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ON THE PHILOSOPHY OF ETHICS

AN ANALYTICAL ESSAY

BY

SIMON S. LAURIE,

AUTHOR OF 'FUNDAMENTAL DOCTRINE OF LATIN SYNTAX, BEING AN
APPLICATION OF PSYCHOLOGY TO LANGUAGE.'

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ERRATA.

- P. 13, line 9 from foot, *for* 'to,' *read* 'in addition to.'
- P. 17, line 11 from foot, *for* 'Without attempting,' *read* 'Without attempting in this chapter.'
- P. 35, delete footnote.
- P. 48, last line, delete semicolon at 'facts.'
- P. 49, line 1, *for* 'affirms,' *read* 'affirm.'

‘OMNIS Auctoritas Philosophiæ consistit in beata vita comparanda : beate enim vivendi cupiditate incensi omnes sumus.’—CIC. *De Fin.* v. 29.

‘It is easy for a false hypothesis to maintain some appearance of truth while it keeps wholly in generals, makes use of undefined terms, and employs comparisons instead of instances.’—From DAVID HUME’S *Essay concerning Moral Sentiments*.

INTRODUCTION.

THAT a man *ought* to will and do the right, the good, the approvable, the virtuous act, is the common starting-point of all writers on the principles of morality. The question round which discussion has mainly turned is, How shall a man know that the act presumed to be right, good, and virtuous, is really so? What test or touchstone shall be applied to the willing and acting of men whereby the rightness or wrongness, the goodness or badness, of a motive or act shall be revealed? In other words, 'What is the measure or criterion of acts or states of the will in respect of rightness?' This mode of putting the question is, it seems to me, preferable to the more usual phrase, 'What is the Criterion of morality,' because the word 'morality' is of varying and indefinite signification, and may be so used as to confound, if not sometimes to beg, the question at issue: at the same time, as it is legitimate to substitute the word 'acts,' in its larger and proper meaning, for 'states of the will,' the question may be also put thus:

'What is the criterion of rightness in acts?'

That the question is an important one in its psychological relations, no less than in its practical bearing on human life and duty, is evident from the interest attached to the discussion of it from a remote past till now.

It involves prior questions as to the nature and circumstances of the being whose acts we desire to test. It presumes that we already have a psychology, if not completed, at least approximately correct in all essential respects. And not only so : it also presumes a general consent on anthropology ; for we cannot afford to omit from our argument the physical relations, ethnological influences, and outward history of the race. With these *data* we may approach the specific moral question. The answer to it will of necessity react on our presumed anthropology, not merely completing it, but giving it a fresh significance by shedding light on its phenomena. An anthropology (which term is used as comprehending psychology) happily exists ready to our hand, not certainly completed in the scientific sense, even as regards those phenomena which lie outside the moral sphere, but adequate to our purpose, because furnishing a classification of the phenomena of receptivity and activity, which, as a popular statement, obtains the general assent.

That man feels, knows, and wills ; that with the knowing, the feeling, and the willing, there are associated phenomena of consciousness, which we designate as pleasure and pain ; that pleasure and pain belong

to the active as well as to the receptive feelings ; that these feelings may be fairly viewed under the various denominations—physical, appetitive, social, æsthetic, moral, and religious ; that by ‘moral’ feelings are designated certain internal phenomena which arise in consciousness, in association with the doing of the just, the right, the benevolent, and the beautiful act ; that by ‘religious’ feelings are designated those internal phenomena which arise when the individual contemplates the idea of God, and his own relations to Him. These statements regarding the nature of man receive the general assent, and thus we are enabled to enter on the question of the ‘Criterion of a man’s acts’ without waiting for a complete analysis of his nature ; nay, such an analysis is seen to be impossible until this question as to the principles of morality has itself been considered. The ultimate nature, the genesis, the simplicity or complexity of the phenomena, which have been enumerated, are subjects of separate inquiry, coming, it is true, within the proper sphere of a treatise on morals, but not obstructing the discussion of the introductory question as to the test, measure, or criterion of the right or wrong in acts or states of will.

There are substantially only two answers attempted to the primary question in morals, though both have been presented in forms modified by the idiosyncrasy of their expounders, or the circumstances of the times in which they were promulgated.

(1.) That the only criterion of acts is their tendency to promote the happiness or well-being of mankind, is the thesis of one school of thought.¹ This thesis by implication seems to affirm that the character of an act can be known, and the criterion applied, only by following the act into its consequences, immediate and remote, on all mankind whom it can possibly affect. The extreme form of this theory is aptly called Utilitarianism. In its extreme form, however, it misrepresents itself. Its position seems to me to be adequately stated by John Austin as follows :—

‘Inasmuch as the goodness of God is boundless and impartial, He designs the greatest happiness of all His sentient creatures ; He wills that the aggregate of their enjoyments shall find no nearer limit than that which is inevitably set to it by their finite and imperfect nature. From the probable effects of our actions on the greatest happiness of all, or from the tendencies of human actions to increase or diminish that aggregate, we may infer the laws which He has given, but has not expressed or revealed.

‘Now the tendency of a human action (as its tendency is thus understood) is the whole of its tendency ; the sum of its probable consequences in so far as they are important or material ; the sum of its remote and collateral as well as of its direct consequences, in so far as any of its consequences may

¹ Although Utilitarianism and ancient Epicureanism have a substantial basis of resemblance, they are not to be confounded.

influence the general happiness.’¹ ‘The happiness,’ says Mr. J. S. Mill, ‘which forms the Utilitarian standard of what is right in conduct, is not the agent’s own happiness, but that of all concerned.’²

(2.) That the test or criterion of acts is a moral sense existing in each individual, and generally called ‘Conscience,’ which pronounces instantaneously and clearly on the rightness or wrongness of every act, is the thesis of the opposing school. This thesis, by implication, affirms that there is in man a special faculty which is neither the intellect nor any combination of ordinary feelings, and that this distinguishes the nature of acts, and issues mandates as to conduct.

There have been numerous modifications of the second Theory, which are all to be traced to the *psychological* views of those who maintain them, and the extent to which intellect is recognised as an element in the moral judgment. Bishop Warburton has perhaps given expression to the theory in its most thoroughgoing form; for after saying that every animal is endowed with an *instinct* to direct it to its greatest good, he says that man also has his specific *instinct*, which is called the moral sense, ‘whereby we conceive and feel a pleasure in right and a distaste and aversion to wrong, prior to all reflection on their natures or their consequences’ (*Div. Leg.* i. 4). ‘Man,’ says Bishop Butler, ‘has the rule of right within; what is wanting is only that he attend to it.’ Again, he says, ‘The principle of reflection or

¹ *Province of Jurisprudence*, vol. i. p. 32.

² *Utilitarianism*, p. 24.

conscience distinguishes between the internal principles of his heart as well as his external actions ; passes judgment on himself and them ; pronounces determinately some actions to be just, right, good ; others to be in themselves evil, wrong, unjust : which without being consulted, without being advised magisterially exerts itself and approves or condemns him, the doer of them, accordingly.' Again, he says, 'Let any plain, honest man, before he engages in any course of action, ask himself : "Is this I am going about right or is it wrong ? Is it good or is it evil ?" I do not in the least doubt but that this question would be answered agreeably to truth and virtue by almost any fair man in any circumstances.'

CHAPTER I.

Attempt to separate the essential characteristic of the so-called 'Conscience' or 'Moral Sense.' It is a 'Feeling of Complacence and Displacence' at least, whatever else it may be.

ALL men succeed to an inheritance of precepts or rules of conduct which are either the results of the self-analysis of preceding generations, or of their experience of those things which tend to the security, the stability, and general well-being of the race. These take the form of the unwritten common-law of morality or of written statute, and to these have to be added the precepts which have their origin and sanction in religion. In the great majority of acts the individual measures both motive and act by their conformity or non-conformity to the traditional code into which he has been thus born, and up to which he has been educated. The perception of agreement or disagreement with this code is that moral perception which he considers to be the chief, but not the only function of the faculty which he somewhat indefinitely calls 'conscience.' And it is unquestionable that in this signification,—the signification of a repertory of ready-made precepts and rules, each man has a 'conscience' accusing or else excusing him.

The fundamental question of ethics has, however, no concern with this consolidation of human experience. For, that this 'conscience' with all the precepts which it comprehends is manifestly derivative not primary is practically admitted by the most competent thinkers in both schools of ethics; it is itself, in truth, the very object of investigation. What gives validity to these moral generalizations and sentiments which are generally accepted, and which govern human conduct?—this is precisely the question at issue.

Again, associated indissolubly with the current stock of moralities which is vulgarly called 'conscience' is the feeling of Duty and Obligation, and this again by common consent of both schools. There is no *immediate* question as to the *fact* of duty and obligation, but only as to the test, standard or criterion of duty, and further as to the genesis and history of the sense of obligation and duty. For in an inquiry into the criterion of acts we have not to do with the notions which are signified by the words *merit*, *virtue*, *honour*, and their conjugates, although they form part of the general philosophy of ethics. Even the question of the existence of a distinct faculty called the moral sense or conscience constantly obtrudes itself and claims consideration only because there is, as we have already said, a philosophic use of the terms opposed to the vulgar acceptation of them, according to which they must signify, if they signify anything, an ultimate inexplicable and non-reasoning sentiment which marks out the ultimate right from the ultimate wrong

with unerring precision, and in this way furnishes the moral criterion or test which men are in search of.

Now the doctrine that 'conscience' or a 'moral sense' discriminates between the right and wrong in acts and motives, must mean that there arises a feeling of complacency or displacency as soon as the intellect takes note of an act, or becomes cognizant of a state of will. This *feeling* of complacency or displacency when contemplated by the intellect, takes the form of approval or disapproval of the act as being 'right' or 'wrong.' The 'moral sense' *may* mean much more than this, but this *at least* it must mean ; and as the fact of moral judgment on acts is not denied by any school of thought, and as, moreover, it is this conspicuous phenomenon that first fills the eye when we regard the general questions of ethics, we may fairly proceed on our inquiry from this common starting-point.

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CHAPTER II.

Is the Feeling of Complacency or Displacency a Discriminator of Rightness in Acts? If not, what is the discriminating criterion?

IT is manifest that intellect necessarily comes into play in order to enable us to discern the existence as well as the characteristics of any act presented to us for moral judgment, and is thus prior in its operation to the feeling of complacency or displacency which we have already identified (provisionally at least) with the 'moral sense;' and that intellect again comes upon the stage after complacency or displacency has been experienced, in order to give effect to the feeling by means of a judgment and its corresponding affirmation. There is no instrument whereby a man can know an act, as such, save the intellect; and again, there is no instrument whereby he can pronounce judgment, save the intellect. To speak of the 'moral sense' as if it were a knowing or judging faculty, is therefore an abuse of language. The *feeling*, which is presumed by the intuitive school to determine the rightness of an act or motive, must intervene between two operations of the intellect—the operation of knowing, and the operation of judging and affirming. The 'con-

science' or 'moral sense,' as a criterion of the right in acts or states of will, accordingly, shows itself to be (whatever else it may be) a feeling of complacency and displacency *standing between two intellectual operations*. This localizing of the feeling is not unimportant. The question now assumes this form :—

Is the complacency or approbation, which the right act unquestionably excites, itself also the discriminator of the rightness of the act? or, is it only a consequence of the perception of the rightness? If only a consequence, what are the grounds on which the judgment of rightness (which is followed by complacence) is pronounced?

But before proceeding to answer this question, let us again obviate misunderstandings, by distinguishing between the 'conscience' or 'moral sense,' which as a discriminator of the moral quality of acts, has a *quasi*-substantial and practically real existence in all men, and the moral sense in the philosophic use of the term. In the former signification, we find that every civilized man inevitably has his mind stored with a collection of moral generalizations in the form of precepts and rules which constitute its furniture, and unquestionably feels with almost instantaneous rapidity the quality of the great majority of acts. The discerning intellect presents acts for judgment as one of a *class* already adjudged in respect of rightness or wrongness in some other way. But with a conscience so equipped and provided, through the experience of generations,

with a delegate in the intellect, which holds in readiness for instant application, the classifications, generalizations, and rules which are required in common daily use, we have nothing to do here ; but only with the moral sense in its primitive and rudimentary effort to connect the admitted feeling of complacency or displacency with some specific and as yet unfamiliar act.

As the first step in our progress, then, let us endeavour to substitute notions, precise and particular, in the room of vague and general, by reconsidering the doctrine of the moral sense (in that one of its elements which we have up to this point been able to detect) in accordance with the method of instances. It is probable, that by condescending to a method too much neglected in ethical disquisition, we may not only reach a clearer conception of the nature of the feeling of complacency, but also be able to answer the question—whether this feeling be itself a Discriminator of rightness in acts, or only a consequence of the discrimination of rightness.

The primeval savage, as yet but partially acquainted with the kind with which he herds, sees, we shall suppose, for the first time, one man abstract another man's axe. He cannot remain an indifferent spectator of this. He pronounces some judgment on it, articulate or inarticulate. But that judgment may amount to nothing more than the affirmation of the fact that the axe has been taken away. If it amounts to more than this—to a judgment that the abstraction was wrong, censurable, bad—how does

he come at this? Manifestly thus: his sympathy enables him to imagine his own axe abstracted, and the consequent pain of a loss and a personal injury which this would cause in him,—feelings which would be followed by the emotion of anger and by resistance; that is to say, the abstraction, *followed into its consequences*, would cause the pain of a loss in him, were he himself the sufferer; and, in addition to this, the pain of personal right outraged, and the further consequent feelings of anger and resistance. Until the act could be followed into these its consequences on the individual against whom it was done, there could be no judgment on the aggression save the judgment ‘that the axe was taken.’ These feelings of pain at deprivation, and of rights infringed, which he recognises as possible in himself, the spectator transfers to the sufferer, and so pronounces the act of the abstractor to be wrong and bad. The act itself is morally nothing till its completion is traced out and clearly discerned by the *intellect*. When to the personal injury of the immediate sufferer extending experience reveals the numerous evils which the practice of such acts would inflict on society at large,—that is to say (for it is essential to avoid vague terms), on all other men as well as on the first sufferer, our feelings are multiplied by the number of possible sufferers, and acquire a greater intensity. Where is the ‘moral sense’ here? Exclude the antecedent and succeeding operation of the understanding, and in the residuum somewhere we must look for the moral sense.

But the residuum is not a simple feeling, but several feelings. There is the pain of deprivation, which is equivalent to the pain of a desire unsatisfied ; there is the pain of personality (or personal rights) infringed ; there are the emotion of anger and the act of resistance. But if we exclude the term 'personal rights,' the higher class of irrational animals have manifestly the same movements of feeling in similar circumstances. There is in them also the pain of a loss, and along with this a feeling of displacency with the cause of the pain, which may and does rouse to anger. In what, at this initial stage of contact with other powers outside himself, consists the difference between man and the irrational animals ? In this : man, by virtue of his self-consciousness, detains the feelings which we have described in his consciousness, affirms 'the painful' of each of them, and affirms, moreover, his displacency with the agent who has caused this disturbance of the ease of the sufferer.

The 'moral sense,' then, in so far as it differs from the emotions of the irrational creation, seems to do so by virtue of self-consciousness alone, and is thus reduced to the knowledge and the *intellectual affirmation* or *judgment* of displacency towards the offender,—in other words, of disapprobation of him. But we had reached this point some pages back. Has the transference of the argument from the general to the concrete taught us nothing new, and served only to confirm what probably no one denies ? It has done more than this : for we are now in a position to see

that the moral adverse judgment is a purely intellectual act, proceeding upon a *feeling* of repulsion against some person *or act* (for the act and agent are not at this stage distinguished) *because of some pain which can be traced to him or to it.*

When the man thus judging has first occasion to judge his *own* conduct, he simply transfers the earlier mode of procedure to himself, objectivizes himself when his passions are allayed, and estimates himself from the point of view of a spectator.

Here, then, we have before us the *modus operandi* of a primitive judgment on what we presume to be one of the earliest acts of man against man,—a judgment formed when language itself had yet to be sought for, in order to express the mental emotion. And to what extent does the inner history above sketched determine the character of the moral sense? It brings us to the conclusion with which by anticipation we began this chapter; for it seems to me that (when we generalize the phenomena) there are only two stages in the above mental history which are not operations of the understanding, viz., the feeling of pain and the feeling of displacency. On the feeling of displacency, therefore, we again put our finger, as constituting (so far as we yet see) ‘the moral sense’ as it first emerges in the mind of the uninstructed and undisciplined man, or in the minds of our own children. This *feeling* is followed by an intellectual *judgment* of displacency, and that again finds expression in such words of disapprobation

as the progress of speech may at the time afford. Further, we found another and a prior feeling which constitutes the ground of this feeling of displacency—the feeling, namely, of pain consequent on the aggressive act of which we disapprove: pain in our own person, or sympathetically experienced in the person of another. It follows that complacency with and approbation of an act rest on the experience of pleasure or felicity, arising out of it to ourselves or another.

We have confined our view hitherto to acts of a particular kind—namely, those acts which pass from an agent and affect others than himself. But it is necessary (all the more necessary that the distinction is almost invariably overlooked in ethical writings) to keep steadily in view that there are two classes of acts and of states of will for which it is our business to find a criterion—those which immediately and by intention affect other men than the agent, and which, therefore, may be aptly designated *Transitive*; and those which terminate in the agent himself, only mediately and incidentally touching others, and which, therefore, may be designated *Intransitive*. The former class is that which we have as yet exclusively considered; and it may here be observed that while those who profess the Utilitarian creed have limited their reasoning chiefly to this class, thereby narrowing the scope of their argument, their basis of morality and their theory of Obligation, those who have maintained the theory of a discriminating Conscience have confined their

analysis too exclusively to a consideration of the morality and merit of agents. The source of this confusion we shall afterwards have occasion to trace to the confounding of Rightness and Morality, Acts and Agents.

The will of man is constantly being moved, or moving itself, towards the possession of felicities, which, as we have said, are commonly generalized under the various heads of Physical, Appetitive, Social, Intellectual, Æsthetic, Moral, and Religious. Of the large variety of willings and actings thus possible to the individual, the social alone primarily affect his fellow-men. Yet the indulgence of any or all of these manifold activities and capacities must be subject to law; they have to be regulated as a condition of healthy life, or rather of life in any shape whatsoever. A criterion of the Right, therefore, is in the Intransitive sphere as indispensable as in the Transitive; and the 'Moral Sense' is again called upon in this new sphere to exhibit its Complacency or Displacency.

Without attempting to determine by what instrument the moral agent discriminates the Right when he finds his will assailed, at one and the same moment, by desires physical, appetitive, æsthetic, or religious, it requires no argument to establish the fact that the mental phenomenon which is the most prominent attendant on the act which he does, or purposes to do, is Complacency or Displacency with self. If this be not the 'moral sense,' it is, in Intransitive as in Transitive acts and states of will, always a large, and certainly the most conspicuous, element in it.

Whether, through this self-complacency, the rightness of the act elected to be done is in some mysterious way discriminated ; or whether the discrimination of the right is (as in the case of *Transitive* acts) effected through certain prior conditions—a feeling of felicity or it may be an inscrutable utterance of law—is an ulterior question.

Without anticipating the answer to this question, which is so vitally related to the whole subject which now engages us as to require not only separate treatment, but some preliminary investigations, there is no doubt that, with regard to *Intransitive* as well as to *Transitive* acts, the Utilitarian and the ‘Moral Sense’ theorist will agree in recognising the feeling of Complacency or Displacency with self as a characteristic of the mental condition which follows the doing or purposing of any specific act, although the latter may not accept it as by any means an exhaustive statement of what he understands by the moral sense. This, at least, we may again, in this new connexion, affirm.

The question now assumes to us this shape : Is the rightness of an *Intransitive* act discriminated and determined in, by, and through the act of Complacency with self or another? If not, by what means do we discern the rightness of an act or purpose? Is the discernment an instinctive and inscrutable act of intelligence? Or does a mysterious sentiment of law attach itself to certain acts, thereby indicating their rightness? Or, finally, is the right-

ness of an act discriminated and determined by its tendency to produce felicity in the agent?

With these queries we must pause for a brief space while we encounter and remove from our path certain preliminary obstacles which seem to prevent opposing schools from narrowing the issue between them, and thereby rendering a mutual understanding possible.

CHAPTER III.

Explanation of the sense in which the phrase 'Happiness of Man' is used in this Essay.

OUR further inquiry will be much facilitated if we at this stage eliminate certain elements of confusion from the question—confusion mainly due to the extreme language which opposite schools of thought have indulged in, and to the fact that the language of ethics has to sustain the wear and tear of colloquial use.

And first : It is almost superfluous to say that no unprejudiced reasoner will misunderstand the word 'Utilitarian,' though he may regret the uses to which it has been applied. The term is defiant, and therefore false. At best, after the most anxious explanation and hedging, it is inept and inadequate, save as an exponent of the position of an ultra-materialistic school. As employed by the modern Utilitarians in this country, however, it is merely a bad but short way of expressing their standard of morality, 'the promotion of the happiness of mankind.' It does not, therefore, necessarily exclude the happiness, which is due to the satisfaction of the imagination, of the moral

and religious sentiments, or of the intellectual faculties. There is no reason why it should not include all of these.

(2.) The word 'happiness' is constantly employed by both schools of ethics to mean that state of rounded self-complacency, of peace or content which in common speech it is correctly used to denote. In moral discussions, however, it properly means that preponderance of the happy over the unhappy, of the pleasurable over the painful; which, it is alleged, points out the right course of action and sustains the moral agent in choosing it. The virtuous effort, for example, of Socrates to be true to himself at the risk of life and many other unquestionable felicities which it was legitimate to love, was an effort in which pain—the pain of desires repressed, of friendships foregone, of death encountered—certainly was present, though subdued by the dominant sense of happiness which the lofty ideas of which he was the martyr yielded to him. 'Happiness in the sense of complete unbroken content is not (or ought not to be) propounded by modern Utilitarians as the criterion of morality, but only happiness in the sense of the *greatest happiness possible for a man in any crisis of conduct*—or when his will is suspended between two courses of action.' If the word 'happiness' be so understood, much logomachy and vain disputing will be ejected from moral analytics. We prefer to use a word less likely to be misunderstood, and we shall accordingly substitute 'Felicity,' which

has the further minor advantage of a convenient plural form.

(3.) The third source of confusion is one of even more moment than those already adverted to. It is to be found in the words used to express the moral standard of modern Utilitarians, namely, 'the happiness or well-being of mankind.' It is not here alleged that Utilitarians do not employ these words with a perfect understanding of their import; but this is certain, that, in the course of their ethical argument they are constantly giving a double meaning to the phrase, by using it sometimes as an equivalent for the happiness of men in the mass, sometimes as an equivalent for the 'happiness or well-being of *Man* as an individual.' Having ascertained that which the constitution of Man affirms to be his best moral condition, I, as a moral agent, am further bound to consider my fellow-men generally, and so to act while pursuing my own well-being as, in the *first* place, not to limit the action of other men; and in the *second*, so as to promote the attainment by them of that which I have ascertained to constitute my well-being, or rather the well-being of Man. If asked what I mean by the well-being of 'Man' as distinguished from the conception of his personal well-being which any particular individual may erringly or wilfully form, I can only point to the norm of humanity which all speculation presumes to have a notional existence—the man of psychology as distinguished from any individual. Now if by the 'happiness or well-being of mankind or men,' the Utilitarian

does not mean the well-being of man as psychology reveals and defines him, he manifestly makes the criterion of the rightness of an individual's act to be the pleasurable sensations which it arouses in the recipients of the act. He thus makes morality dependent on the voices of the multitude,—a test which at all epochs of the world's history would have constituted those acts right which all the wisest denounce as wrong. Improbable as this may sound, a little consideration will show it to be the fact. But if the Utilitarian means that the test of morality is the well-being of Man as his nature and constitution are revealed to us by experience and analysis, the phrase 'well-being of mankind' ought, *as a criterion of acts*, to be confined to the *Distribution* of that happiness which has already been ascertained to be the best condition of man. The phrase as it is commonly employed can furnish no test of the right to a moral agent in respect of his whole conduct, but at best only in respect of those out-going acts which affect others. But before he comes to the consideration of these, that which constitutes human happiness or well-being *is presumed to be already known* through the analysis of the norm of man.

That Utilitarians unconsciously take advantage of the above favourable interpretation of their theory, while by not explicitly adopting it, because of its tending to subvert other portions of their system, they introduce a painful and vexatious confusion into their argument, and furnish weapons to their oppo-

nents, are facts sufficiently obvious to all who peruse their writings with attention. The criterion of the right and desirable consequently becomes confounded with the criterion of the right distribution of right and desirable things. Justice and benevolence usurp the whole field of morality; nay, when they come to their theory of obligation, even benevolence and all Intransitive moralities are necessarily excluded from the category of the obligatory, and morality and justice are inextricably identified. Now, 'to promote the well-being of men,' when properly defined, can only mean 'to regulate those of our acts which directly or indirectly affect others benevolently and justly;' that is to say, in such a way as to give others a full and rightful share of that well-being which we have *already* ascertained by personal introspection and experience of human life, to be *truly* the well-being of Man and our own well-being.

To the confusion which we have now brought into view is to be traced the wide acceptance as a test of conduct of the celebrated phrase, 'The greatest happiness of the greatest number.' This test, however valuable in the field of practical legislation, can never be a standard of the right act but only of the right *distribution* of certain things ascertained to be right and felicitous. Those who have, perhaps too glibly, employed this party cry, have forgotten to ask the prior question, 'By what means, test or criterion shall we ascertain wherein the happiness of the greatest number consists?' The true 'happiness of the greatest

number' can be only that which we have already discerned to be the happiness of man as he is constituted and conditioned by his Creator. Having determined what this happiness is, it then undoubtedly becomes our duty to endeavour to distribute it among *all* men, and to devise means for doing so. It is a constituent part of the happiness (or rather, condition of the happiness) of the moral agent so to do. Analysis and psychology, in their rudimentary forms at least, thus necessarily precede the action of justice and benevolence, and define the aim of the just and benevolent agent. This aim having been once definitely fixed, we may do well¹ to adopt as the principle or test of all social acts and political organization, the popular and intelligible phrase, 'The greatest happiness of the greatest number;' in other words, the widest possible diffusion of that mental and physical condition which analysis has shown to be the highest and best for man.

After what has been said, it will be understood that when in the sequel 'the Happiness of Man' is called to our aid as a criterion, it has the signification which I have now assigned to it;—the happiness of the norm of man. In treating of Justice, and again in the concluding chapter, it will be necessary to advert to Utilitarianism as commonly held by its leading cotemporary advocates. It will also be our business, at a future stage, to show that the subordi-

¹ But we may do better, as we shall afterwards show in the chapter on 'Justice.'

nation of all action to the supreme end of justice is a necessary condition of the happiness of man and of individual men.

We are now in a position, disencumbered of some elements of confusion, to return to the question already propounded, namely :—

What is the criterion of the right and wrong in acts, with special reference to *subjective* or *intransitive* acts ?

CHAPTER IV.

What is the Criterion of the Right and Wrong in Subjective or Intransitive Acts?

MAN is a various and complex being. We have already roughly classed his impulses to action, under the generally recognised heads of appetitive, etc. He is also presumed to be a member of a society, because it is only as a social animal that he can find occasion for the exercise of his instincts, or come to a knowledge of the range of his capacity for desire, emotion, or thought.

The natural history of a fact of consciousness is also the analysis of it; and as we cannot enter upon that history without divesting man of his present experience and mental envelopment, we must think of him in the condition of one groping his way in the midst of primitive savagedom towards laws of conduct, whereby he may best regulate, while satisfying, the conflicting claims of the desires and emotions that stir within him, and respond to the demands made on him by his external circumstances, physical and social.

We have already detected the *ground* of our approbation of *Transitive* acts to be their tendency to

produce felicity in the object of them. Before now proceeding to the consideration of the more complex question of Intransitive acts and states of will, let us revert for a moment to our former argument. We imagined the yet untutored man witness of an act of spoliation; but we found that until through sympathy the spectator placed himself in the position of the sufferer from whom the axe was abstracted, he was conscious of nothing, save the occurrence of an outward incident, of which he could make the affirmation, 'that it had happened;' but which was powerless to excite in him any emotion whatsoever; which was in fact morally colourless. Sympathy, however, made him instinctively participate in the pain of the sufferer, and in his displacency. In other words, he felt displacency and disapprobation with the act of abstraction, *because of* the pain which the act inflicted both at the moment and in its consequences. If the abstractor had, on the contrary, given an axe to a man who wanted one, and who was suffering from cold and hunger, because of his need of a weapon wherewith to obviate these evils, the complacency which the spectator would then have felt, would in like manner have rested on the sympathetic perception of the pleasurable effects of the act on the recipient. So much for the natural history of the earliest moral judgment of transitive acts. When the adjudging spectator comes to find any of his own acts affecting others, he transfers to himself the judgment which he has passed on another. But this act of borrowed approbation or disapprobation is not all that happens: in the

act of approving or disapproving his own deed, the agent makes certain moral discoveries which we shall evolve in their proper place.

Let us now advance to the analysis of Intransitive acts or states of will, and in doing so, let us again be guided by the light of a concrete example. Let us suppose that my physical system requires invigoration : knowing this, I forego my tendency of desire for immediate ease ; and leaving a comfortable hearth, I face the cold and wind, for five or six miles of active exertion ; or, when I wake in the morning, I forego the indulgence of creeping out of a warm bed into well-warmed clothes, and deliberately, and by free preference, plunge into cold water. These acts are doubtless among the humblest of those which can claim a moral character ; but we deliberately select them, because it is our conviction that, if moral questions disclaim to walk the streets, the philosophy of them must remain in the clouds. Such acts, in these latter days at any rate, when viewed in their relation to recognised physiological laws, assert for themselves a distinct place on the moral platform, and fall into the category of right or wrong. In the acts cited, I preferred present discomfort for the sake of future reward, and I did *rightly*. Complacency with self followed. By what measure is it, that in the supposed case I thus determine the rightness of that one of the two alternative acts which yields a *present* pain ? Not certainly through a feeling of complacency with the act, as such, apart from its consequences ; for

this would be to desire pain for its own sake. Nor, again, can the perception of the rightness be an inner revelation to the intelligence—an instinct of knowledge; for, *as a matter of fact*, it is only through the consequences of the act that we can predicate anything whatsoever of its character. Nor, further, is the rightness of the act *forced* upon the consciousness by an inner and inscrutable utterance of law or obligation, because, *as a matter of fact*, we know that the rightness is not perceived, nor the law accepted as imposing the duty of obedience until experience has revealed the consequences of such acts. Not in any such way is the rightness of the act borne in upon my intelligence and presented to my will, but by my personal or hereditary experience of the pleasing consequences of the one act as compared with the other, when I take a large view of both. And this is merely saying in other words, that I have learned, weighed, and measured the two acts, and found the one, by a law or habit of my constitution, to surpass the other in the Quantity of the felicity which it yields. The judgment of Rightness, in all cases of this kind, thus involves a more or less prolonged prior experience.

Let us suppose next that the alternative is between an Appetite and what is called a Sentiment. It will not be denied that all the capacities for pleasure in man have a legitimate *right* to natural gratification (whatever that may be). This right is based on the fact that the desires or capacities exist in him, and that they yield pleasure. The only ultimate ground of right

to action is the *fact* of independent existence. This neither requires nor admits of proof. It is a moral axiom. When, however, a man desires the appetitive pleasure (which is *in itself* good and lawful) in circumstances which involve the rejection and denial of intellectual felicity—of the felicities of the æsthetic, the beneficent, the just, or the religious sentiments—he does wrong, and, concurrently with his act, he becomes conscious of displacency with himself.

Complacency and displacency with self being the most patent emotional facts in connexion with human acts, we have preferred to make our questions revolve round them. We do not thereby mean to maintain that these emotions can be referred to a single cause, but we are desirous to find the *primary ground* of these emotions when first experienced. For in that primary ground we shall be brought face to face with the discriminating sifter of all acts,—that perception or feeling (or whatever else it may be) which tells us that one purpose or act is right and desirable, and another competing purpose or act relatively wrong and undesirable.

In the region of moral action into which we have now travelled the problem becomes more difficult of solution, because the question no longer is before us in the simple form of promoting a fellow-being's pleasure or pain, or of choosing the *greater* in preference to the *lesser* felicity, but is complicated by a new element—the element of Quality. The appetitive and the æsthetic feelings (and acts) are supposed to conflict. Both unquestionably yield pleasure while

they are being gratified ; both it is legitimate to gratify (subject, as we shall afterwards see, to the limitations which the rights of the many desires and sentiments of other rational agents by whom we are surrounded, impose). But if a man yields, let us say, to solitary bibbing, he does so to the denial, if not the extinction, of the æsthetic sentiment, not to speak of other desires and sentiments ; and so long as the power of tranquil self-contemplation remains, he necessarily experiences self-displacency. Should he, however, treat the appetitive as he has treated the æsthetic—ignore such desires, and live a life devoted to the beautiful in Nature and Art—he finds this condition harmonize with all those emotions which we call spiritual, and has no sense of displacency with himself for utterly ignoring the appetitive ; or, if he have such, it is of a very mild kind. How has he reached this self-complacency in acts and states of will, which, without extinguishing, yet hourly affirm supremacy over, the clamant assertions of a large portion of his nature ? If questioned, he will answer that the æsthetic is one aspect of the *spiritual* life, the appetitive of the *animal* life ; and it is therefore not only better, but obligatory, to prefer the former. If we ask further, ‘ How did you (presuming, observe, that he has not inherited his beliefs and principles, but initiates this spiritual life for himself by introspection and observation), ascertain the spiritual life to be the *higher* ? ’ he will answer : ‘ From the higher nature of the emotions which it raised in me ; ’—which is

manifestly another way of saying that he preferred the (so-called) spiritual state of will to the appetitive, because it yielded a higher kind or *quality* of felicity. Experience will also very quickly reveal that the quantity of felicity which he thereby secures is as much greater as its quality is higher, because it is durable, and indestructible, and inexhaustible ; but the superiority in *quality* is the chief, as it is the *primary*, ground of his preference. If we rid our minds of the traditionary, social, and religious sanctions of the ‘higher,’ we shall look in vain for any other means of discriminating the greater desirableness of the ‘spiritual’ than the higher quality of felicity which it yields to beings of our constitution.

Let us now, having brought within the range of our argument and illustration both the quantitative and the qualitative element in acts and purposes (transitive and intransitive), consider for a moment the position of those who deny that the test of the rightness of conflicting acts is the felicity they yield, and maintain what they conceive to be a more exalted theory ; and in doing so let us endeavour to put their case in the most favourable way for themselves.

‘With other inquirers,’ they say, ‘we admit that the feeling of self-complacency or approval is a feeling of pleasure ; we admit also that man has been so beneficently constituted by his Creator, that the right act, which is followed by a feeling of complacency, also yields *in itself* a felicity, apart from the fact that it is

approved—a felicity greater in quantity, and higher in quality, than any other possible act yields. But we further maintain that the feeling of felicity which a rational being's act produces in *himself* if it be intransitive or subjective, in *others* if it be transitive or objective, is not the *discriminator* of the character of rightness in acts, and, therefore, not the ground of self-complacency. It is only an accident of the right associated with it by our benevolent Creator for the purpose of sustaining the weak will of erring humanity. The *discriminator* of rightness is an antecedent something, a mysterious premonition,—a Feeling, we may call it, for want of a more distinctive name, which instinctively, and *without a process of reasoning*, distinguishes the right act or purpose from the wrong. The phrase 'Complacency with self' is certainly a part of that which we would denominate the 'moral sense : ' the moral sense is certainly this. But what we aver is, that it is also, and chiefly, an antecedent instinctive feeling, quite arbitrary in its character and its *modus operandi*, which by some mysterious law of the human constitution, discerns the right from the wrong. The moral sense is not only an approbatory and reprobatory feeling : it is *also*, and *chiefly*, a discriminatory feeling. —Now translate this out of the words, 'right' and 'wrong,' which are words so much worn with use and so hampered with secondary meanings, as to admit of endless logomachies, and substitute for generalized statement a concrete case, and the doctrine stands thus in the case of intransitive or subjective acts.

Pericles, alive to the sentiment of the beautiful, prefers the enjoyment which art yields, to the pleasures of the table, should he be compelled to forego the one in order fitly to enjoy the other. Why does he do so? Because on contemplating the two competing felicities he instantaneously *feels* that to indulge the sentiment of the beautiful, even though it involves the temporary suppression of an appetite, is right, while indulgence of the felicity of eating and drinking to the denial and suppression of the æsthetic is wrong. All physical desires *rightfully* claim gratification, we have affirmed, on the plea that they exist.¹ Accordingly, though both are in one sense right, the competition of the two gratifications—the gratification of a sentiment, and the gratification of an appetite—compelling a choice, the one becomes, in its relation to the other, wrong. Now according to the extreme moral-sense doctrine it is by means of a mysterious *Feeling* that the right act is in the above case singled out. We shall controvert this doctrine in a separate chapter. But here let us say in passing, that inasmuch as feeling can exist and operate only as in a state of pleasure, pain or indifference, it follows that it is the greater or the higher felicity accompanying the act said to be right relatively to another (which other in the existing circumstances of moral antagonism is wrong), that enables the intellect to affirm that it is preferable, and thus furnishes the sole primary ground of the act of preference.

¹ The proof of this ultimate ground of right may be postponed.

A similar line of illustration and argument might be based on the preference of the religious to the æsthetic, when *those two* sentiments, that is to say, acts falling under each respectively, are brought into competition.

Hence, it is here maintained that where alternative, Intransitive acts of the same grade or class are proposed to the will ; for example (to keep to a humble illustration already cited), the alternative of indulging in warmth or of plunging into cold, the question is one which can be decided only after considerable experience of both acts, and which is ultimately determined by reason in favour of the larger *quantity* of felicity. Again, where the acts proposed belong respectively to a higher and lower class or grade, the test or measure of the right is the *quality* of the competing felicities. With respect to Transitive acts—those acts which pass from the agent and affect others—let us recal that we found these to be right, in so far as they promote that felicity which the organization and constitution of Man show to be human felicity. The question, in the meantime, is not at all as to the grounds of duty (though it necessarily touches on these), but as to the right act to do to self or to others, presuming it to be admitted that it is right to do the right act to others—in other words, that benevolence and justice are right. What we saw in the case of transitive acts was the criterion whereby the just and benevolent feelings are to be *guided* in their operation. The rightness of the just

and benevolent acts, in respect of their justness and benevolence as such, is a question of personal or subjective morality, and is also determined, as we shall now proceed to show, like all other moral actions, by the criterion of the felicity of Man.

CHAPTER V.

Ends and Motives. — The Felicity of Man the end and criterion of Transitive as well as Intransitive Acts.

IN *intransitive* acts, ends and motives seem at first glance identical. An agent's act is directed towards an æsthetic or religious felicity as its end in preference to an appetitive felicity, but the will is moved *not* by that end, but by the conscious *desire* of that end as contemplated and pre-figured. When we regard *transitive* acts into which more complicated considerations enter, the act which accords with the felicity of 'Man' is truly denominated the right act, and is the objective end of the act. But the act has also a subjective end, namely, the felicity of the agent in the felicity of others, or, in other words, the felicity that arises from the satisfaction of the sentiment of good-will or benevolence. The *motive* of a transitive act, therefore, relatively to the object or recipient, is the desire of his felicity ; relatively to the agent or subject, it is desire of felicity in the felicity of another. We would here emphasize this distinction.

The confounding of ends and motives has, it seems to me, led writers of both the leading schools of

thought, to mix the question of the criterion of acts *as such* with the criterion and conditions of personal morality—especially in acts of a transitive kind in which the end and the motive, and therefore also the criterions, are twofold. We cannot be too vigilant in preserving (in the consideration of transitive acts above all) the terminal limits of the two questions—the criterion of the rightness of the act in relation to the moral agent, and the criterion whereby the *acts themselves in their relation to their object* are to be measured, and their rightness determined.

A conscious agent can never find his motive outside himself. In intransitive acts the end and standard of the act is (as we have said above) a certain specific quality or quantity of felicity, but the motive is the *desire* of that felicity. Both the desire and the end being circumscribed by self in this class of acts, and not passing beyond the limit of the subject-agent, the distinction between motive and end is not always at first view obvious. When we pass to transitive acts, still less obvious is it that the right act (which we have already concluded to be that act which effectuates the felicity of its object) has a subjective relation, in which relation its rightness *quoad* the subject or agent is determined quite irrespectively of the ultimate effect as it comes to maturity in the object. Before proceeding further this fact requires to be more distinctly evolved.

Accordingly, if we suppose a man contributing for the first time to the felicity of another, what is the

history of the inner phenomena which accompany or follow the act? First, as we have already shown, he has that borrowed feeling of complacence with himself which he would feel towards a fellow-man acting in a similar way towards himself or some other person. But a complacence such as this is not a direct and immediate, but an indirect and mediate complacence; it is, in fact, merely the reflex action on himself of the complacency with which he may have regarded, or would regard, another similarly acting. It is a process of ratiocination. Secondly, others, on the same principle, entertain complacency with him; at least so he believes, and he has further felicity in this belief. So far this history is true, and the desire of self-complacence, and of the complacence of others with self, might be sufficient motives for any action; but, putting aside the fact that they do not account for the *first* act ever done in order to produce felicity in another, they are neither the only nor the chief motives; for, thirdly, while so acting, the agent makes the discovery that the promotion of the felicity of others, whether the form which his act assumes be that of Justice or Beneficence, yields to himself a felicity distinct in kind from the reflex complacence with which he beholds himself, or from the complacence of others with him (which are in truth merely the natural protections of the felicity-producing act)—a felicity, namely, in the felicity of others. The natural history and analysis of this felicity in the felicity of others, or of the so-called sentiments of Justice and Goodwill,

are not our business here : ¹ it is sufficient that the outward occasions of human life are admitted to call these 'sentiments' into consciousness and to give them a distinct entity, or quasi-entity, as felicities, and *consequently* as in themselves ends of action in the consciousness of man. Those acts of a man, done with a view to promote the felicity of his fellow-men, being done in order to satisfy his felicity in their felicity, and the further felicity which arises from the complacence of his fellow-men with himself, manifestly have their end as well as their motive within himself. We would insist on this as a distinctive feature of our argument. The felicity of others is the end of the act *as such*, viewed objectively and in itself ; the felicity of the agent is the end, sole measure, and the desire of it is the sole motive, of the act in its reference to the agent. Thus, relatively to the Moral Agent, the *criterion* of Transitive no less than of Intransitive acts is to be found in himself, and not at all in felicities existing outside himself. In himself, that is to say, as being the only representative always accessible to him of the Norm of Man. The criterion of the rightness of all acts and states of will, then, is to be found within the agent : where Quality enters, the criterion is sentiment (in a simple or complex form) ; where Quantity enters, it is—what shall we say?—the conclusion of the reason respecting quantity in the class of cases to which the specific act impending may chance to belong.

¹ It will be afterwards our business to show that the sentiment of justice is the sentiment of goodwill under special conditions.

Were it not so, how would it be possible to compare the claims of Transitive and Intransitive purposes and acts, when the suspended will pauses in contemplation of both while under the necessity of choosing one? We should have (as strict Utilitarians, in point of fact, do) to seek in the will of society for the source of obligation. The felicity of others, although it can be sympathetically apprehended, stands outside and away from the agent, and supplies no ground of comparison with other felicities and motives of action, save in so far as it is *also* the felicity of the agent himself. It is this link of connexion which enables the Intelligence to contrast alternatives of action when the conflict lies between the Transitive and Intransitive ends and motives, in the same way as it determines the conflicting claims of purely Subjective or Intransitive acts and states of will one with the other. It seeks, in short, to determine their quality or quantity, or both, relatively to each other.

Let us apply the above reasoning to the comparison of the Transitive and Intransitive ends of action when opposed to each other, avoiding, as in former cases, the snares of abstract language by resting on a concrete example.

A man in pursuit of food catches a kid. Returning with it to his village of mud or caves, he meets with one of the same tribe hungry and too feeble to hunt for himself. To reserve the whole animal for his own use will, he feels, yield him much direct enjoy-

ment, besides allowing him that undisturbed ease on the following day, which, to the savage or semi-savage nature, seems to be a more intense enjoyment than to civilized man. The alternative here is between a very solid personal felicity and the felicity of another. Let us suppose that he prefers the latter. Why does he do so? The lowest rendering of the half-conscious process which ends in his sharing the kid, is that sympathy enables him to realize, as if it were his own, the *pain* of his fellow and the *pleasure* which a third party, appearing on the scene and sharing his spoil with him (the agent) would (were he in the same circumstances) give him; and, further, the pleasure it would give him in the third party so acting. Now, this is simply to say, in a circumlocutory way, that he shared the kid, because he preferred the pleasure of another, and that other's pleasure with him his benefactor, to the gratification of his own physical desires; or, in other words, he preferred the inner felicity of Beneficence, followed up by the complacence or approbation of his fellow-man with him because of his having preferred this to certain other felicities of an unquestionable and substantial, yet lower and lesser kind. What, then, has been his guide to a decision while meditating the alternatives? What has he been doing? Manifestly comparing felicities; and the contemplation of the higher *Quality* and greater *Quantity* of one class of felicities as contrasted with the other has stirred in him the desire of *moral possession*, and so set his will in motion in the 'Right' direction. 'Right'

relatively to himself (that is, preferable) he found it to be solely through the higher and greater felicities which it yielded ; and in no other way was it possible for him, as an autonomous and as yet uninstructed moral agent, primarily to discern its Rightness relatively to himself.

To repeat in concluding : Transitive acts—that is to say, benevolent acts and just acts—have a twofold *end*, according as we regard the object or the subject of the act, and consequently, also, a twofold motive. And, as in the previous chapter we detected the objective end of such acts, when right, to be Felicity, so now again we have found the subjective end—the notes which *discriminate the rightness of promoting the felicity of others* in preference to the securing of certain other personal felicities—to be Felicity. The feeling or perception of higher or greater felicity discriminates the rightness, relatively to the agent, of Transitive (Beneficent or Just) acts as compared with certain other Intransitive acts when they conflict ; while, again, the perception of that which, psychologically speaking, constitutes human felicity, discriminates the direction which the well-meaning Transitive act is to take in order to secure its beneficent end.

At this stage of our inquiry, as at the conclusion of the previous chapter, we shall doubtless again be met by those who cling tenaciously to a ‘moral sense’ which they maintain, operates on the will from a vantage-ground high above that occupied by vulgar

felicity. But this position now requires a separate chapter for its consideration.

Before proceeding further, however, let it be observed that if our inquiry has, so far as it has gone, rejected a 'conscience' or 'moral sense,' in the signification in which the existence and operation of that faculty seem to be maintained, it is also sufficiently evident that our results do not accord with Utilitarianism in its only logical form. That this may be apparent, let our present conclusions be here concisely summarized :

(1.) There are many and divers felicities possible for man.

(2.) These felicities vary essentially in their Quality as well as in their Quantity.

(3.) The discernment of the higher and lower quality of felicities is ultimately and inexplicably determined by *feeling* (self-consciousness making it possible for a rational being to compare two or more feelings and felicities). Or, in other words, there is in man *an instinctive sentient discrimination of the Quality of felicities*.

(4.) Inasmuch as Man is a 'being of large discourse, looking before and after,' there is also an *intellectual* capacity for measuring their Quantity.

(5.) The criterion of rightness or approvableness in acts and states of will, transitive and intransitive, is their tendency to promote the felicity of Man as he is constituted and conditioned : and, where two or more ends and motives conflict, that end and motive

is the right (and therefore, as we shall afterwards show, the *obligatory*), which is characterized by the higher or greater felicity, or both.

(6.) Transitive acts have a twofold end, and therefore a twofold criterion,—the felicity of the object or objects of the act, and the felicity of the subject acting; consequently, a twofold motive—a motive being the conscious desire of an end.

(7.) The attainment of the former end—the felicity of others—determines the *direction* which the just or beneficent act is to take, and, consequently, the rightness of the *act* objectively considered; while the attainment of the latter end—the felicity of the subject—determines the rightness of the benevolent and just *acting* compared with any other possible acting—*rightness* we say, for with that alone are we in the meantime concerned. We have yet to consider wherein lies the morality of an act, as distinguished from its mere rightness.

CHAPTER VI.

Controversion of the Doctrine that the Right is discriminated by an arbitrary, inner Sense.

WHILE admitting complacence and displacence, in the form of approbation, to be a constituent part of what we call 'conscience' (say the Intuitive school), the conscience or moral sense, also, and *chiefly*, vindicates its existence as a discerning and dividing faculty—as a discriminator among acts. It is the criterion or standard of acts, as well as the approver of them. The felicity which characterizes the right as an accompaniment of it has no essential connexion with the discovery and discernment of the right, though it is invariably coincident with it.

Now, a moral sense, *discriminating* the right act among many possible acts or states of will, must, we suppose, mean an instinctive and instantaneous *feeling* of rightness seen to reside in an act and to constitute an inherent quality of it. Now observe, in the first place, that we have already disposed of a moral *judgment* as an illusory faculty. The moral sense, if it exists anywhere, is to be found (as we have seen) located *between* two acts of the understanding; but to call it a judgment, or by any other equivalent

name, is to make it an act of pure intellect, which would be suicidal. What is therefore meant is, that there is in man an inscrutable *feeling* in presence of any proposed act, which, in an inexplicable way, so operates on the intellect as to coerce it into the affirmation of the rightness, approvableness, and obligatoriness of that act. (For 'conscience,' as commonly treated, does all three; and the three acts are hopelessly mixed together in intuitional speculation.)

But this mysterious impulse of feeling must manifest itself in some form. Is it a sense of the harmony of the proposed act with our nature? This cannot be meant; for this would be merely another way of affirming that it is complacence of self with the act as such; and this again would mean, and could only mean, a feeling of felicity in contemplating the act.

Shifting his ground, the moral-sense theorist may say: 'Although I admit that the greater quantity or higher quality of felicity invariably accompanies that act of two or more possible acts which excites complacence, yet I detect in myself an impulse or feeling, or what you will, of law and imperativeness inciting and commanding me to a specific act as right, and forcing me to stigmatize another and opposed act as wrong. *Thus* it is—through this sense of *law* or authoritativeness—that I discriminate the right from the wrong, and *know* my duty.' 'I cannot,' he may continue, 'in the face of past history, present well-attested facts; and the growth of "conscience" in

children affirms the crude and vulgar opinion, that among *particular* conflicting acts the sense of law, to which I have referred, steps majestically forth out of the unknown into my consciousness, and attaches itself to some specific act or purpose, thereby marking it out as right ; but I maintain that as soon as the intellect has done *its share* of the work on the moral material before it, and has connected the acts possible for me in any given case with their proper sentiment or desire or principle, in my mind, the process of comparing the sentiments and desires claiming through these various possible acts to govern my will, is abruptly cut short by an arbitrary inner emotional movement ; and I cannot explain this movement otherwise than as an inarticulate utterance of law which instantaneously elicits in me a correlative feeling of Obligation.'

That this feeling of Law exists, and that, in the case of all educated consciences, it is intimately blended with the right act, is unquestionable. It is the most important fact in our moral economy. Far be it from us to handle heedlessly this awful inner fact : it is sacred, but not so sacrosanct as to make it impious to penetrate the veil behind which it is enshrined. Its nature and function will be considered in its proper place ; our attention is called to it here solely because it is dragged by others out of its proper place, and constituted the discriminator, and therefore, the criterion of rightness in acts. Those who affirm this doctrine, do not necessarily deny that there is in man a sentient dis-

crimination of the quality, and an intellectual discernment of the quantity of the felicity arising out of certain acts, but only that the higher or greater felicity so discriminated or discerned, furnishes the standard of right, and points the way to the suspended will. On the contrary, irrespectively of and in addition to such discrimination or discernment of *felicity*, it is affirmed that an inexplicable emotional impulse authoritatively affirms *rightness* as a quality of a particular act or state of will, relatively to other alternative acts or states of will.

This sense of law attaching itself to certain sentiments, acts, or motives, in preference to others, must itself be either analysable or ultimate. If it be the former, the 'conscience doctrine,' to which we have above endeavoured to give adequate expression, must seek for a new form of words in accordance with the ultimate form in which analysis may present to us the feeling or sentiment of law. We need not concern ourselves with this here, because our future consideration of the sentiment of law will satisfy us that if it be analysable, the above doctrine is untenable; and further, because the 'conscience' school cannot consistently or safely depart from their belief in the *ultimateness* of the sentiment, which accordingly we may for the time assume. The redargument of the doctrine of the 'conscience' school, as it is commonly held, we would evolve as follows:—

I. The admitted invariable association of the highest or greatest felicity with the sentiment or act

which the ultimate authoritative law is affirmed to *reveal* to us to be the right, is a presumption that the perception of the felicity at least influences, if it do not govern, the discrimination and determination of rightness.

II. If the sentiment of law ascertains and determines the right, it must do so in the case of each particular act, or of the sentiment or desire or principle under which the act is, after inquiry, found to fall. The former mode of operation, though it is apparently maintained by some, does not admit of rational defence, except in the hands of those who, confounding the vulgar 'conscience' with the philosophical 'moral sense,' argue from the phenomena of the former, under the delusion that it is the latter. The facts of moral growth in children would settle all such questions, were not some spectators too loftily engaged to see what is beneath the level of their exalted vision. The history of our race, and the recorded facts of contemporaneous savagedom, would support and confirm the lessons which children teach us.

But, leaving general language, let us re-enter the region of detail, and see what actually happens when an act is presented to the law-giving conscience for judgment. Divest the mind of the much-worn garments of an hereditary conscience, and conceive the case of the axe-abstractor, which has already served us in good stead. The intellect of the spectator can affirm what his eyes see, namely, that the axe is taken away. But here it stops. Until, through sympathy, the spec-

tator realizes the *pain* of the sufferer, he cannot by possibility have any emotion whatsoever, or any moral impulse, or any judgment save the affirmation of the perceived matter of fact. What is this, but to say that the wrongness of the act is determined by the *pain* which it inflicts,—is, in other words, discriminated and ascertained *through the infelicity* of it; the rightness of an act being conversely ascertained through the felicity of it? If this be denied, it must at least be admitted, that in such a case as that supposed, no inner law-giving affirmation of rightness or wrongness is possible *until* the pain is sympathetically felt, and that the pain accordingly, even if it be nothing more, is at least a pre-condition of the authoritative silent utterance of rightness and wrongness.

Again, let us recur to the struggle between appetitive desires and benevolent feeling in the case of the hunter who divided the kid. He doubted between the act of holding and the act of giving; how could he even doubt prior to sympathy? His business was to keep the kid. Accordingly it would appear, that here again there is, and can be, no case even *presented* to the presumed authoritative instinct of law for its decision, until the pain of the hungry man is sympathetically felt; until his felicity in receiving, and the agent's felicity in that felicity are set over-against the appetitive felicities which are involved in keeping the kid. A *pre-condition* then of the presumed inner utterance of law with respect to the character of Transitive acts, is experience of the felicities proper to

these acts ; which is to say, that law *follows* in the path which the higher felicity takes. And this is to say, that the inner utterance of law comes upon the stage as a *discriminator*, after its work is already done !

The same is true of Intransitive rightnesses, as will be readily seen, if the illustrations formerly given under this head be reverted to. If this inner utterance, then, comes into consciousness *in the wake* of a discrimination by felicity, is it not reasonable to conclude, according to the law of parcimony, that its function is not detective or discriminative at all ?

If this mode of ascertaining the right be true, in the case of competing qualities of different classes of felicity, *a fortiori* is it true in the case of competing quantities of the same class of felicity. Take the example already given in the class of physical felicities. I prefer, when I awake, the immediate pain of a cold bath, to the unquestionable felicity of a blazing fire and warmed clothing. My system requires bracing, and, in choosing the bath, I do the right act, and it is right solely because the mass of physical felicity or comfort which it will ultimately yield will surpass the more immediate, but fleeting and delusive, felicity with which it competes. It may be urged, that there is more than this ; that my act is right, because it is in accordance with the physiological law of health, which again is a law of God, and by implication, His command. But how is this law itself ascertained ? Only by tracing, by means of those painful or plea-

surable consequences on the human frame which we call health and disease, certain physiological causes and effects.

III. We have shown that there is a moral sense in the form of an instinctive sentient discrimination of the higher and lower qualities of felicities ; and this will be generally admitted by the Intuitive School. But this instinctive discrimination becomes useless in the moral economy of the human mind, if the mysterious and authoritative dictum of law determines the rightness of an act. To presume that it exists for the purpose of supporting the weak and hesitating will, just as we employ sugar-plums to strengthen the resolution of children, is a cynical supposition scarcely credible.

IV. To substitute inexplicable law for felicity as a test of the right is to deprive right acts of all character, and to place the source of morality in the arbitrary and unintelligible. The *right* act or state of will becomes the *ordered* act or state of will, and this is to say that 'the right' has no essential characteristic at all, but is only associated with the fact 'that it is commanded'—a fact external to itself. By being arbitrary it is at once destitute of character and of intelligibility.

V. If an ultimate inner force called law (or by any other name) compels the intellect to the discernment of the right, it must either be maintained that it does so from the first in the case of *individual* acts (not merely of sentiments and principles of action),

and thus morality could have no history, which is absurd: Or, if in order to meet the hard facts of experience and history, it be maintained that law (or by whatever name it is called) projects itself into consciousness only in connexion with sentiments or principles of action, and that the moral history of the individual and the race is the intellectual discovery of the governing sentiments to which the infinite variety of acts in their turn appeals, do we not then stultify the inner law? For, is it not presumed to be in its very essence omniscient as well as omnipotent? shall we degrade it to the position of an attendant on the slow operations of the intellect? We first claim for it the high position of being the all in all, the beginning and the end of morality, and then we make it superfluous—superfluous that is to say as the original *discriminator* and *test* of the right.

VI. An inner law is a formal state of mind. A law is a law, and as it contains in itself nothing save a bare formal utterance, it must be equally strong at all times, in all places, and in every class of act. That there is a law (for example) requiring attention to certain conditions of health, and that this law is Divine and now a constituent part of civilized morality, will not be denied. But this law is not so strong and coercive in its relation to my will as the law which is associated with justice, beneficence, and religion. Why is it not so? If law be the sole discriminator of the right in acts, it ought to be equally strong in all cases, for a law is a law wherever we find it, and *as such* it

cannot vary in its imperativeness. Some *other* element manifestly enters into the various acts and states of will possible for man, and gives them their relative importance in the scale of morality; and what can this be but the only other element which presents itself as a possible discriminator or test of acts—namely, felicity, qualitative and quantitative? But if felicity determines the relative *intensity and weight* of moral laws, does it not also point the way for the sense of law, indicating that act or sentiment or principle among two or more to which it is to affix itself?

VII. Finally, to repeat what I found it necessary to anticipate in a former chapter, all desires and sentiments are, *in their place*, right when they take shape in purpose or in act. Morality begins when two or more conflict. The inner something which arbitrarily elects that particular desire or sentiment which is entitled to govern the will—which is right,—if it be not law, must be feeling,—a feeling mysterious, inscrutable and strange, but yet a *feeling*. Now it is manifest that feeling must be *affected* in some way if it is to indicate preference of some one particular act over two or more. But feeling can be affected only pleasurable or painfully. If the election of the act *felt* to be right arises from the fact that it affects the mysterious and inscrutable feeling more pleasurable than the others, we are unexpectedly brought round to the doctrine of felicity as a discriminating test. To make the circuit was superfluous.

The conclusion of all which is, that it is impossible

to detect in the so-called 'conscience' or 'moral sense' any elements save these—(1.) A feeling of complacence and displacence. (2.) An instinctive sentient discrimination of Quality in felicities, and through this in the acts of which the felicities are the end. (3.) A rational conception of Quantity in felicities. (4.) A sense of law, imperativeness or obligation, and their co-relatives—obedience and duty—*attached to* the perception of rightness, but not inherent in it. This Sense or Sentiment of Law will form the subject of a future chapter, in which its nature and history will be analysed.

CHAPTER VII.

Distinction between the Rightness of the Act, and the Morality or Goodness of the Agent ; the words 'approvable,' 'right,' 'wrong,' etc.

Cumque omnis controversia aut de re soleat aut de nomine esse ; utraque earum nascitur si aut res ignoratur aut erratur in nomine.—CIC. *De Fin.* iv. 21.

MEN are more concerned with the rightness of acts than with the morality or goodness of agents.

We have seen that even transitive acts—those acts the objective criterion of which is the felicity of others—have associated with them subjective felicities and infelicities in the consciousness of the agent, and that, in deliberating between various possible acts, the agent is led to a judgment by discriminating between the quality and quantity of the subjective felicities which the various acts respectively yield. In choosing the right—that is, the higher and greater felicity,—he encounters both complacence with self and the complacence of others. He is self-approved, and approved by his fellow-men. He has not, even in *such* transitive acts, to go out of himself in order to determine the character of his acts : the criterion, as

well as the end of rightness, is within himself. Relatively to himself as a moral agent, the character of his acts is determined before the will reaches the completion of its movement in the external act. The end, and consequently the *motive-desires*, elected by him to the control of his will, determines the rightness of the agent.

But it does not follow from this that the agent, in acting approvably, acts, either in the case of intransitive or transitive felicities, in such a way as to secure for himself or for others the felicity which is the end of his right motive and approvable volition. The proper *direction* of the volition towards the attainment of the contemplated end is a matter dependent on the range and acuteness of the agent's mental vision, and the adequacy of his mental estimate of those things which pass within his range. Both are always and inevitably more or less imperfect—*may be* so imperfect as to make the well-purposed volition mistaken, nay, disastrous, in its effects. The shortness of human vision prevents our seeing the real character of the *act as such* (that is, objectively considered) by precluding the possibility of our accompanying it into all its ultimate and collateral effects on the true felicity of those whom it may touch, or of ourselves. Nor could any other doctrine be admissible in the field of practical morality. The complacency of the individual with himself, and of others with him—his life-happiness—could not reasonably be made dependent on the collateral and

ultimate bearings of an act, which even the most assiduous investigation may fail to detect. It is, in truth, this dependence of the rightness of an act on the intellectual perception of the constitution of man, and of the final effects of the act on that constitution, that gives morality a history. Without this it would have no history, but spring, fully armed, into life, like Minerva from the head of Jove. The laudable motive-desire is one thing, the concurrence of the near and remote incidence of the act with the motive-desire is a matter for the ever-erring intellect to determine,—nay, a matter which, in the earlier stages of society, the most powerful intellects would necessarily fail to determine. Acts have a substantive vitality of their own, and a history which takes time in which to evolve itself; and of no act can it be said that it is right or wrong until it is dead.

It behoves us, accordingly, to avoid the application of the words ‘moral’ and ‘immoral’ to acts (since these can be neither one nor the other), and of the words ‘right’ and ‘wrong’ to moral agents. The *act*, whether we regard its *near* end and criterion (that which absolves the responsible agent) which is sentiment or the conclusions of reason, or its ulterior criterion in the effected happiness of man, is ‘right’ or it is ‘wrong.’ The moral *agent* is approvable, good, virtuous, on the ground of considerations *quite apart* from the rightness of his act, either in its purpose or its end. The next chapter will show what these considerations are. It is of vital moment, to a clear

apprehension of the questions at issue, to observe this distinction as applicable to *all* acts—the intransitive as well as the transitive : nay, further, it is important to note that the emotive *desire* of an agent in a specific direction—for example, the satisfaction of the sentiment of benevolence in himself rather than of what are accurately called ‘lower’ principles of action—is right or wrong, but is not in any accurate sense ‘good,’ ‘virtuous.’ Again, the word ‘approvable’ may be applied to *acts as such*, as well as to agents, but it is so applied on different grounds in each case : this we shall see in the next chapter, where we analyse the grounds of our approbation of the agent. The verbal confusion, incidental in a peculiar degree to ethical inquiries because of the wear and tear to which ethical language is subjected in ordinary life, is exemplified in no words more fully than in those now referred to.

The word ‘Moral’ is indifferently used to mean (1.) that class of phenomena which has to do with human conduct generally. (2.) That class of motive-desires which is good or approvable, because they propose an end which is ‘right.’ (3.) That class of acts, which, *as acts* or accomplished ends, are right. (4.) Agents virtuously energizing. We must bear in mind these various uses, and not be misled by the unsteadiness of their application ; nor must we ourselves, if we can help it, set an example of negligence in employing them.

The word ‘right,’ again—and this is a much more

serious matter—is constantly used as if it contained some of that peculiar moral or emotional element which is to be found in the notion of complacency or approbation with moral agents as *energizing* rightly. It has to do solely with acts *qua* acts in their relation to criteria and ends.

Hence we find a lending and borrowing of powers between the words ‘good’ and ‘moral,’ on the one hand, and ‘right’ on the other. ‘Moral,’ ‘good,’ and their opposites have an emotional element in them, and are properly applied to agents as such, and to states of will in their relation to the conditions of right acting—(See Chap. VIII.) ‘Right’ and ‘Wrong’ are properly reserved for motive-desires, and for acts as such, contemplated as these may be (both logically and really) in relation to their ends and criteria (subjective or objective), and apart from the producing agency. ‘Right’ strictly means, ‘in accordance with some standard outside the will,’ and is applicable to acts alone, or the movement of desire towards an end considered in itself. ‘Approvable’ and ‘censurable,’ again, are applied (and correctly applied) indifferently to motive-desires, ends, acts, and agents. We have only to bear in mind that in approving the motive-desires, ends, or acts, *as such*, we do so because of their conformity to the standard of action—their rightness; while, in approving agents, we do so apart from the rightness of their willing and acting, but solely with reference to the *conditions* of their willing as they do. These distinctions are more fully evolved in the next Chapter.

CHAPTER VIII.

The Sanctions of the Right. The real nature of Moral Energizing. Essential Antagonism of Right and Wrong. Self, Will, Virtue, Merit. Sympathy and Approbation of Men. Communion with, and Approbation by, God. Sense of Law, Duty, and Obligation.

Mortals who would follow me,
Love Virtue : she *alone* is free.

MILTON'S *Comus*.

‘ Is it then the case (it may be fairly urged), that a man in doing the “right” has his act fully accounted for, by saying that he has chosen the highest or greatest felicity within his reach ? And, when he does the “wrong,” does this merely mean, that in the exercise of a free choice, he has preferred a lower or lesser felicity ? If so, wherein rests, or can rest, the ground of praise or blame in any *moral* sense in which those terms can be applied ? or where shall we look for the source of obligation and imperativeness ? It is true, that if his preference of the lower felicity should happen to cause the infelicity of others, we, as fellow-members of the same society and interested in his acts, may fairly blame him for something more than either an intellectual blunder or levity of choice. But the displacence which his act stirs, is “moral,” only in a

very rudimentary sense; in truth, it is a feeling shared with men by animals, with this addition in us, that we can feel for others as well as for ourselves, and can *affirm* our feelings. The agent's judgment of himself again, in so doing the wrong transitive act, is no more than a reflection of the displacence of others, while his complacence or displacence with self in the whole class of subjective acts and states of will which substantially make up his life, is wholly unaccounted for. Does not such a rendering of the moral consciousness subvert morality in the ordinary acceptation, and substitute some other thing in its place? Under such a scheme of morals, is it not manifestly absurd to call a man vicious, bad, or in any way to load him with either laudation or censure? He commits a murder. Why then, he is certainly a fool not to know that to have withheld his hand would have been more for his comfort. We hang him, it is true, but we do so, merely because such folly is apt to interfere very materially with the general felicity if not promptly checked. This surely is manifestly a very partial account of the phenomena of moral consciousness.'

The above objections are a fair enough specimen of the confounding of things different to be met with in ethical inquiries. It is evident that the criterion of morality cannot furnish us with a history of moral movement in the agent, nor exhaust the sanctions of the right which are involved in the mental constitution of man. These are quite distinct questions.

Starting from the feelings of complacency or dis-

placency with *acts*, we have up to this point been considering the ground of those feelings, in the expectation of separating from a very complex state of consciousness, that quality, the detection of which in an act, primarily stirs those feelings; in other words, we have been seeking the ultimate (not the proximate) standard or measure of Rightness or Wrongness in acts. In doing this, we have contemplated the phenomena of moral consciousness objectively or anthropologically, and apart from the fact of will. In searching for the criterion, it was convenient thus to begin our search with a postulated emotion in the moral agent, but the whole object of the inquiry was the discovery of the aim and purpose of acts *qua* acts. We have still to seek and find the ground of complacency and displacency with the agent acting, willing, energizing.

The rudimentary feeling of displacency with the agent who is seen to inflict pain on others, is merely an animal feeling *plus* sympathy and understanding. The agent and his act are seen together, and judged as one; the judgment being properly a *moral* one, only in a rudimentary sense. Self-consciousness enables us quickly to advance beyond this primitive position: we soon attain to a capacity and a title to entertain feelings of complacency towards *moral agents as such* by experience of the grounds of those feelings of complacency and displacency in ourselves towards ourselves, when we ourselves act rightly or wrongly. The inner history of moral emotion that

transacts itself in us, we transfer to others, and pronounce judgment accordingly. That inner history, if watched, brings us face to face with the greatest mystery of man's nature—the fact of duality—and leads us into those secret recesses, where sit enshrined, God and Free-will.

I shall here avoid as much as possible, what I believe to be the ultimate form of expression which a thorough analysis of the great fact of man's duality would require, and keep (for the present) within the limits of the ordinary language of ethical writers.

In this language, then, we call upon the reader to realize the familiar phenomena of his emotional nature, and to pause with attention before the contradictions which it presents. First, he beholds that array of desires and sentiments, which we have already viewed in the preceding chapters, in their gradation of ascending and descending quality. In the midst of these stands his self or personality, which makes its presence known in the form of Will. Desires and sentiments seem to pour into his self-consciousness in a continuous, capricious, and unregulated stream. He seems to be part of the mechanism of nature. This current of non-conscious movement it is his prerogative, as man, to arrest, before it passes into action. The fact that they *exist* constitutes the right of the various desires and sentiments to *live*, and they accordingly pass on unquestioned, unless discerned by the will, which now assumes the form of knowledge, to conflict with no other rights when asserting their

own. If any desire, in its haste to secure the peculiar felicity which belongs to it, seek to ignore the rights of another desire, the satisfaction of the former would be wrong. Into the midst of the tumultuous democracy of human emotion advances the sovereign will, and marks the limits of each and every force. But observe, that until one activity conflicts with another, there is no *moral* element in the ever-changing emotions that traverse the consciousness of man. It is the existence of a conflict between two (or more) motive-desires which calls for the intervention of the Arbiter, self or will. This Arbiter entertains the conflicting elements in thought, and elects that motive-desire which has been ascertained to yield the greater quantity or higher quality of felicity to man.

Now, here we must state two facts,—*first*, that when contemplating the capacities and activities of man, psychologically and objectively, with reference to a criterion of acts and states of will, the words ‘higher’ and ‘lower’ quality, or ‘greater’ quantity, by which alone we could distinguish one from the other, *now* become inadequate. It is no longer a question between a lower felicity and a higher, but between felicities so related in our *moral* consciousness that they mutually deny each other. The hunter who retains the whole kid, and prefers his own physical satisfaction to the satisfaction of a suffering fellow-creature, and to the felicity which the satisfaction of the latter yields to him, does, in truth, by choosing the former, give the lie to his higher nature. In the

relations in which the conflicting desires and sentiments then stood, he had to choose, not between a 'higher' and 'lower,' a 'better' and a 'worse,' but between a high and a low, a good and a bad. The multiform suggestions of desires, appetitive or sentimental, are, each in its own place, legitimate, and productive of felicity ; and in fixing the criterion of the right, we have been compelled to treat of them all as felicities, and to distinguish them according to their quantity and quality : but in their relations to the responsible agent now called on to act, they, as a matter of fact, mutually exclude each other ; and therefore, to give free action to the one is to contradict and suppress the other. Thus, then, it appears that the moral agent who chooses the lower of two conflicting felicities does not merely erringly choose the 'lower' in the exercise of a natural right because so it pleases him to do, but deliberately negatives and abjures the higher. He affirms that the high is *not*, he affirms that the low *is* : he sets aside the right and does the wrong. The duality of man thus reveals a permanent and irreconcilable antagonism between the acts and states of will at any moment possible for him. It is to this antagonism that the Stoics must have pointed, and to which Cicero gives inadequate expression. The wrongdoer accordingly not only ignores and foregoes a higher felicity : he affirms that that higher felicity does not exist ; and he carries with him into the wrong act, and beyond it, the memory of that denial, the consciousness that he has belied his higher nature

and been untrue to himself, and, we might say, to Nature in Zeno's sense. Inner discord, the pain of moral dislocation, takes possession of his consciousness.

Not only so ; for, *secondly*,

A consideration of the duality of man reveals the further fact that the current of non-conscious sensation and volition is strong and heady, and that where there is a conflict of emotions, those which it is easy to gratify are precisely those which are wrong, and that the preference of the right accordingly involves a powerful effort of resistance, and a strong act of self-conscious will. That this discord between the high and the low should exist is the most remarkable fact in the human economy—the easy descent, the difficult ascent—the rugged road of virtue, the smooth and delectable path of vice. Not only is the free choice of the right a successful effort of man's personality, in order to assert for himself and God the domination of some principle of action : it is also the voluntary incurring of pain for the sake of the high and counterbalancing felicity. The lower felicity (appetitive or other) is suppressed with suffering, and is the penal sacrifice over which man advances to the full assumption of his manhood—to virtue.

In these remarks VIRTUE is implicitly defined, and MERIT in the human agent is assigned its proper significance. The sensational or non-conscious current of man's life naturally runs in the direction of the lower felicities. Self-consciousness, as Will,—which

is to say, Man—exerts its opposing might with varying success. When the stream of sensation or emotion sweeps away the barrier of the will, man himself, as man, is overthrown. The wrong-doer, if he is a self-conscious being, consequently endures the pain of degradation. Thus, not only is the higher felicity by him ignored, the higher nature abjured, and inner discord established in the deepest recesses of his nature, but the consciousness of a free-choosing self is overturned, and manhood for the time is lost. On the other hand, where will asserts its imperial power and arrests, in order to overpower or guide the current of sensation, self or manhood is vindicated. This mental condition is aptly named *virtuous*, a word which, etymologically, goes far into the metaphysics of personal morality, reaching down to its very root. Virtue alone is free, and she is the mother of all the virtues. Virtue too, under our definition, becomes an end in itself—not merely as the illusory deification of means to an ulterior end.¹

Thirdly, Man is so constituted that his social and sympathetic sensibilities are governing elements in his life. Nay, it would not be difficult, though it might be irrelevant, to show that before he can attain a sense of his individual and personal manhood in the crudest form, his social sympathies and sensibilities must have come into play. Be that as it may, it is certain that these sensibilities bind him to his fellow-

¹ See J. S. Mill's *Utilitarianism*.

men so closely that his individuality is almost lost in the common humanity of which he is a fragment. With this humanity he thinks and feels and acts, sharing its movements—even sensitive to its pulsations. Now all this, which is in fact the larger part of his own being, is arrayed against him, in reality or in more dread imagination, when he does the wrong, but concurs with and applauds him when he subdues the sensational, and asserts, for humanity as well as for himself, the manhood of will. The wrong-doer has not been able to act for *himself* alone—he cannot do so if he would,—he has degraded the common nature which he shares, and is cast out by it into moral banishment. The weariness and longing of the exile burden him. Even where his wrong is undetected, it secretly isolates him from his kind: he is alone.

Nor is this all; the face of God is averted. Man is endowed with the power of looking back to the Father of his spirit and beholding in His glory the bright vision of all excellence, and finding there the perennial source of daily life to his soul—the consummation of all joy, felicity become blessedness. But *now* he looks in vain. There is discord here too. His moral pain becomes agony—he must *forget* God or die.¹ The approbation of our fellow-men is not merely an external act proceeding from them which stirs in us a superficial pleasure; it is, properly understood, the harmony of the spiritual life of the individual

¹ See SOPHOCLES, *passim*.

with the general life, which, as it were, guarantees and sustains its own; it is the accord of the partial soul with the universal. In like manner, the approbation of God is too often spoken of as if it were an extra-mundane, extra-human relationship, and not of the essence of the inner life of man.

Divorced from both, where shall the wrong-doer find relief? What deed shall he do, what sacrifice shall he make, to re-unite the broken link of sympathy with man and communion with God? This is the utterance of Remorse.

Such and so great is the punishment of a wronged manhood,—nor does it end here; for so great is the dependence of man on powers around him and above him, that his already humbled personality trembles with fear as he realizes in imagination, or perhaps already experiences in fact, the adventitious pains (which with the Utilitarian are all in all), spiritual and physical, which a disapproving humanity and an offended God must, by a law of things, inflict.

Fourthly, The wrong-doer feels and apprehends that a LAW has been broken. With the discernment of the higher felicity is associated a sense of law commanding that the higher felicity shall govern the will. What a moral 'law' as emotional phenomenon may be in its origin and character, and what the real nature of the pain of a violation of law, we shall endeavour to ascertain in the next chapter. Here we have to do with the fact as it exists in the conscious-

ness of every man advanced beyond the first stage of moral experience. It is in relation to the fact of an inner law adhering to the right act that the terms 'Ought,' 'Duty,' and 'Obligation' find their moral significance. A moral agent quickly learns that it is not only better for him that he should do the right act,—that he not only thereby affirms the high and negatives the low, that he not only gains the victory of manhood over non-conscious nature, that he not only rivets the link between himself and his kind and between himself and God; but, in addition to all this, he also finds that there is an inner and spiritual imperativeness and obligation associated with the right act which he disobeys at his peril. He is 'bound' to do the right: it is his 'duty.' This feeling of law or imperativeness, which is defied by the wrong-doer, is distinct from any of those feelings which we have yet discriminated as accompanying the performance of the right; and the pain of violated law is distinct from those other pains which we have already pointed out as following the doing of the wrong. If not distinct in their ultimate analysis, they are at least distinguishable as they stand and operate in consciousness. The analysis of the inner sense of law may show that it has a history in the human mind, that it *grows* and does not *leap* into life. Be that as it may, there it stands in almost omnipotent strength, coming into consciousness, as our analysis will show, after a certain fashion and subject to certain pre-conditions, but none the less subsisting as a

spiritual entity in human consciousness, ever-present, ever-dominant, ever avenging.

This idea of law may be entertained merely as the law of a man's own constitution or the constitution of the human race: but should a moral agent have attained to the idea of God as a spiritual being, it is impossible for him to apprehend the law of his nature without associating it with the creative will of God—with God as Supreme Lawgiver. This, however, is not an *essential* characteristic of the idea of law, though intensifying it to an infinite degree.

We have now separated, from the complexity in which they present themselves in consciousness, those pains, and, by implication (or explicitly) those felicities, which are the sanctions of the Right Act: from all which it appears that in the doing of the Right Act there is first *the higher felicity inherent in the act itself* to serve as a motive to the will and to reward; and *besides this*, numerous other felicities, of which the most intense is the sense of virtue (as we have defined it) and of law obeyed, duty done, obligation fulfilled. Besides these, there are many adventitious supports—such as the *consequences* of the disapprobation of man and God, which are to be distinguished from the mere *fact* of broken sympathy and communion, which are pains in themselves: we here purposely confine ourselves to what we consider to be the *primary* and ultimate grounds of obligation.

This analysis, while revealing the strong protection and numerous supports which the Creator of man has wisely provided for the Right, would bear wide and instructive application to the history of our race, and to differences of personal character ;¹ leading us into those regions of ethics in which epoch, circumstances, and idiosyncrasy play so large a part.

* The above chapter answers the question—*Why* should a man choose the higher Felicity ? It brings to view the inner sanctions of the Right, the felicities which *attractively* compel in the upward path, and the infelicities which repel from the downward ; it reveals the manhood of virtue, and the imperious inner command of Law. The further analysis of the Sense of Law will throw additional light on the sanctions of the Right.

¹ We need only point to the divisions of personal character which they suggest, and which, in practical life, are familiar to us all—(1.) the man whose morality floats lightly on the surface of the approbation of others ; a thing of external supports, trustworthy only while the foundation on which it rests remains. (2.) The man whose sympathetic sensibilities make his dependence on the good-will of his fellows something much deeper than the mere love of approbation, and whose morality is thus guaranteed by his humanity. (3.) The man whose morality has taken the form of secondary maxims and of Law, and who, rigid and stiff, is stable and trustworthy within the limits of his vision—the true Conservative in ethics—the man of Duty. (4.) The man whose morality seems a part of his vigorous and free self-assertion—the man of Virtue. (5.) The man—highest of all—who rests his morality on the ultimate perception of that which gives it primary validity and obligation, seeing the law in the high felicitous end, and is thus armed on every side against invasion. This man has a Platonic vision of morality. All men alike may carry up their morality, of whatsoever character it may be, into the nature and will of God. Religion consummates and maintains Morality ; but it does not create it.

Before passing from this chapter, let us note two corollaries. Any one, or all, of the sanctions of the Right may constitute ends and criteria of action to a man. And, in so far as he acts with a view to the end or criterion, Law, Virtue, God, which assume a notional existence in his mind, he acts *rightly* relatively to the *near* and subjective criterion. The ulterior Rightness (in *transitive* acts) is, as we have said before, a question of direct and collateral incidence.

Again, the vain and irrelevant question of the possibility of 'Disinterestedness' seems to be disposed of. Disinterestedness assuredly does exist in the sense of the free and virtuous willing of those higher or greater felicities which transcend the lower, and which we strongly will to gratify at the expense of all lower, material, interested, or selfish felicities; but disinterestedness, in the sense of acting without regard to felicity, there is not, and it would be easy to prove that there *could* not be, in a sentient being. Zeno himself would accept this conclusion.

CHAPTER IX.

On the Sense of Inner Law.

THAT the sense of law, or imperativeness, does not arbitrarily attach itself to the particular act which is right, we have already shown. It is guided in its attachment by the Felicity which is discerned to be higher in quality, or greater in quantity, and is, therefore, limited by the range of internal and external experience. This experience will, as it widens, cause the finger of Law to rise and fall. Law does not assume the function of *discriminating* or *indicating* the Right: it follows in the wake of the discriminator and indicator, Felicity. This is the lesson of history as well as of analysis, and of the patent phenomena of childhood as well as of cotemporary savagedom. To illustrate the position in detail would be, after all that has been written in this direction, a waste of words.

Let it not be supposed that it follows, from what has been said, that man is, even in his most barbarous condition, without distinctions of Right and Wrong, and without a concurrent feeling of Law and Duty. Our argument simply shows that the Right means

conformity to a standard, and that the sense of Law and Duty cannot discriminate Right, and cannot be that standard, but can only sanction and confirm the right when found. This is true, whether we regard the progress from some prevailing and accepted notion of Right to one based on a larger quantity, or to one based on a higher quality of felicity.

We have already shown that the inner utterance of Law, or imperativeness, cannot test and discriminate acts and states of will, *even if it be* that mysterious and *unanalysable* phenomenon which one school of thought maintains directly, or by implication, that it is. If analysable, our argument is strengthened, if that, indeed, be necessary.

Now, that the Sense of Law is analysable in its history, and capable of a more ultimate form of expression, will appear, if we fix our attention for a time on the mental emotions of the savage hunter, whose benevolent propensity has already served us in good stead. When, in the course of his yet short experience, he first realizes that felicity in the felicity of others which we call Goodwill, and which prompts him to divide his kid, he acquires a distinct feeling, which is separated from all others by his knowing faculty, raised to the position of a rational or moral entity in his mind,—thenceforth to enter as a great fact into his everyday life, as a powerful constituent among his elements of judgment, and as a potent

influence among the motives which surround his will. The sentiment exists as a distinct moral individuality, and asserts, by virtue of this, its right to a place in the council of the will. But there is no law yet apprehended by this primitive agent as impelling him to yield to the suggestions of Goodwill, but only the felicity of the emotion itself. But, contemning such suggestions, he may hastily choose the lower Felicity. As he advances in life and knowledge, however, he comes to perceive and experience those pains of an ignored higher, of a denied high, of a forfeited manhood, of a disapproving fellow-man, of an offended God, which we have in the last chapter enumerated as the sanctions of the right; and through these *pains*, he is gradually compelled to recognise in the higher Felicity that which he *must* henceforth seek, *or* suffer. He is, in other words, *forced* into the higher state of will as his right habit of mind and the director of all his acts, on pain of punishment, which, by the very constitution of his nature, may possibly reach the aggravation of moral death. Imperativeness and Obligation not only leap out of the heart of the *Right*, as we shall show in the end of this chapter, but they also leap into it. The sense of Law, generally treated as so mysterious in its origin and character, seems to us to be nothing more than a feeling of *Force* brought to bear on a man's self or will in connexion with a certain class of acts in preference to another and lower class. It differs from the

non-conscious or sensational force of Appetite in this, that it is a Force which comes into knowledge, though not into existence, by virtue of the inner and outer experience of the consequences of acts. *Reason* is the pre-condition of all that is characteristic in it, and it may, therefore, be regarded as an emanation from the self or personality of man—a rational affirmation of that higher Force in the scheme of things and in the experience of consciousness which transcends, *by virtue of the conditions of its discrimination*, the non-rational, sensational movements which disturb or delight the soul of man. It is, when fundamentally apprehended, Self, that is, Man, asserting himself through the operations of his rational intelligence against and over nature.

The sense of Law¹ may be anew explained as being the perception of the protection, through the instrumentality of Pain, of certain sentiments or principles of action ; or, conversely, as the limitation of certain desires and principles of action by Pain. The distinction between the force which is inherent in certain sentiments and principles as Law, and that which belongs to Appetite or Desire, may be further explained by saying that the one is the free recognition or perception of Force by man, and, therefore, *in some sense*, self-constituted, while the other is the feeling of Force

¹ We are here considering Law with respect to its *origin in knowledge*. This is attained through negative or penal processes. The higher positive aspect of Law is considered further on.

coming within the range of consciousness without an effort of the will. The one is natural, and has its source in nature; the other is rational, and has its source in the free activity of human personality—in that which is distinctively *man*. Law, then, is the consciousness of Force driving, and (as we shall show in the end of this chapter) drawing the will into a certain course of action: it is Force moralized.

That we are right in distinguishing the ultimate expression of the sense of moral Law to be a perception of *Force*, under particular conditions of self-consciousness, and in evolving the knowledge of it chiefly out of pain, is supported by the following considerations:—

The sense of Law is the sense of a formal command that contains in itself nothing, save the fact of imperativeness which associates itself with certain sentiments or principles of action, or (to keep more closely to our previous phraseology) with certain felicities regarded as ends and motives of action. If the inner utterance of Law leap into consciousness without a history or genealogy, as the most mysterious as well as the greatest fact in the moral economy of man, it could never alter or modify its essential characteristic—that of pure *command*. There cannot be a Law which, *qua* Law, is stronger or more imperative than another. Now, it will not be averred, we suppose, by any, that every utterance of Law is of equal strength, or imposes on the will

of man an equally imperative and irresistible obligation. The Law which is associated with my giving priority to the higher felicity of æsthetic sentiment over that of appetite, when they stand in antagonism in presence of the suspended will, is imperative ; but it is not so imperative and obligatory as that sense of Law which elevates the sentiment of Goodwill towards others above the satisfaction of the most refined æsthetic sentiments, while both, again, are much less imperative than the sentiment of Justice. How do I know that the moral *Force* of these different sentiments—both those which concern my Transitive and those which concern my Intransitive acts and states of will—varies ? By the nature and intensity of the pain of violating them. Can any man maintain that his remorse in so indulging his love of festive enjoyments (for example) as to exclude himself from the higher felicities of external Nature and of Art can be for a moment compared with that which burdens him when inevitable memory reveals to his remorseful soul an unjust, or a cruel, or a mean, or an impious act ? No one, I believe, will, even in the cause of a philosophical party, so say. But an unanalysable law is Law, and as a formal utterance of mysterious command, it ought *not* to vary its quality or force ; and as a consequence of this, the remorse of violation ought not to be greater in one case of immorality than in another ; which is contrary to fact. Therefore, moral Law, in this mysterious, unanalysable sense, which makes it appear to be

a sudden and inexplicable projection of the Divine Will into the heart of man, does not exist.

But if the actual facts of our moral consciousness are found not only to consist with the sense of Law, viewed as Force rationally apprehended through the experience of pain, but even to furnish the most apt illustrations of the truth of this view, we must be content to rest in our analysis till a better be found. That they do so, a very short consideration of the facts above cited sufficiently establishes, while the whole history of the growth of a rational soul and of the human race contributes its superfluous support.

The fact that Law is associated in one place, and at one epoch, with acts which, at another time and in another place, are condemned or regarded as of minor importance, is explained without damage to the foundations of Morality (as we shall afterwards more fully show), or to the supremacy of the idea or sentiment of Law in the human consciousness, when that sentiment is properly understood. The above interpretation of inner Law as being moralized Force does not shake Law or its power, although it implies that the individual and the race exhibit an ever-progressive growth in the knowledge of morality and of its sanctions. Nor is anything else compatible with the facts of experience. The personal history of each man from infancy to maturity, and the larger history of mankind, is a history of moral progress, not only in respect of the per-

ceptions of the right, but also of the extent of its sanctions, and in an ever-deepening feeling of the imperativeness of Moral Law. The search after the felicities higher in quality or greater in quantity than those which outward occasion brings within the range of the consciousness of the infant race, as of the infant man—the endeavour to adapt the hourly willing and acting to those felicities which form the standard of life—the realizing of the ever-widening sanctions of the right and of the supreme and obligatory Law which is imprinted on its front,—is not this, in fact, a summary of the moral history of civilisation, and also of the doctrine of the criterion of the right and of the sanctions of the right, to which our analysis of the phenomena of consciousness has gradually led us in these pages?

The varying force of the imperativeness of law is conspicuous, not only when felicities of different qualities conflict in consciousness, but also when the will is balanced between different *quantities* of the same kind of felicity. The savage, for example, finds one of his chief pleasures in gorging to excess. The pain which follows brings penitence, but both are alike shortlived. The unpractised will has not yet sufficiently emerged above the sensational naturalism of barbarism to fix in consciousness the past as well as the present, and to forecast the possible future arising out of both. The untutored and unfashioned will breaks down under the pressure of the passing desire. It is only by degrees that a man attains to the rank of

a 'being of large discourse, looking before and after,' and is able to seize in thought the greater *quantity* of felicity, and constitute it the rightful master of his will. The moment, however, that he begins to entertain the wish to do this, he must attach to the act of gorging the perception of wrong and the feeling of violated law ; the now discerned law (discerned by the help of the schoolmaster, pain) being that he shall control his appetite, with a view to a larger amount of physical felicity than could be attained by not controlling it. Compare his elementary sense of law or moral force with that which the cultivated man of Christian civilisation feels with reference to the *same* act, and ascertain the grounds of its greater intensity and imperativeness, and we shall find that the sense of law associated with a certain class of temperate acts, *grows* with the growth of reason (in the larger sense of that term). And this is to say, that it grows with man's extending perceptions of the large bearing, both direct and indirect, of control of appetite on his physical welfare, and this again is revealed to him through the pains of different kinds, to which, as his widening experience teaches, the violation of the law exposes him. Then, further, the harmony that subsists between all moral acts, causes that the one shall come to the help of the other ; and thus, that which at first has been regarded as the adaptation of conduct to the securing of a greater *quantity* of felicity is further apprehended to be indirectly also the assertion of the rightful domination of the higher *quality* of felicities

over the lower. It thus borrows the sanctions which enforce the higher.

Again, to keep still within the same range of illustration, there are at this moment, intellectual convictions, growing up into laws before our very eyes. There are men who, under the influence of a desire for immediate physical ease, avoid, if they do not abhor, bathing ; there are others at the opposite end of the scale, who so fully realize the effects hurtful or beneficial of the two acts respectively, that they regard a proper attention to the skin of the body as a *law of health*, by which they understand a law of the human economy, and therefore imperative. Such men feel a *moral pain* when, under the influence of some love of ease, they weakly neglect the physiological duty : they feel that they have done wrong, and that they have broken a *law*—a law of much lower intensity than certain other laws of conduct ; but yet a law.

But we have been dealing with law in its negative and prohibitory aspect only. The forces which surround the will, and which to the intellect of man take the notional form of law, have their sources elsewhere than in pain, although (as we have seen) pain is the schoolmaster by whom we are first taught wherein lies the *Positive* law of moral life, nor does our Master ever at any time manumit us while we remain under the present conditions of rational life. But in the spiritual as in the material world, there exists

the force of Attraction as well as the force of Coercion. The felicity which any contemplated end yields acts with magnetic power on the will—with a gentle but steady constraint. The end of man's constitution is manifestly virtue, says Bishop Butler, and that which a consideration of any constitution declares to be its end, is at the same time, and *ipso facto*, obligatory. By this must be meant, that we attach to it, or feel to be resident in it the force and imperative-ness of law; if so, this is substantially the same doctrine as that enunciated above. The force of the attraction of the felicitous end is moralized into law. End and Law are seen to be inseparable in thought.¹

Again, all those other subjective and objective coercive collateral forces which we have spoken of above, have also their positive side, and attract man by the constraint of perceived felicity, and therefore are supports of the perceived felicitous end and the consequent moral law. But note, that powerful as these forces are, especially the sentiment of virtue (as we have defined that word), they do not, even in their positive aspect, constitute the *primary* ground of the perception of positive law, but are, properly speaking, only protective and subsidiary.

But if we reject the powerful coercive forces as the primary ground of law even when they directly touch the sentiments, how much more shall we repudiate the

¹ The connexion of coercive and attractive forces with the classification of duties into those of perfect and imperfect, or determinate and indeterminate, obligation, can be here only suggested.

Utilitarian doctrine, that the *external* penal consequences of unjust acts are the sole sanctions and source of law, and of the idea of obligation and duty! This doctrine, consistently enough, leads to the conclusion, that conscience has its source and archetype in external law, and is merely 'an ideal resemblance of public authority growing up in the individual mind.'¹

The additional sanction and force which encompass and enter into the sense of law in the mind of man, when he learns to discern in all right ends, the will of a God ever present in His own creations, consummates the notion of law, although it is not essential to its existence any more than religion is essential to the existence (though it is necessary to the maintenance) of morality. It carries the sense of law into the infinite and eternal. But even in this its highest aspect, the notion of law, when closely analysed, will be found to yield only the notion of force coercive and force attractive, moralized. This doctrine could be evolved in detail, were this the place to enter, in any but the most general terms, into the question of the confines and mutual inter-penetration of religion and morality.

The purely *intellectual* perception of the *end* of any sentient existence, which we may also call the law of that existence, contributes its support, when it is

¹ Professor Bain's *Emotions and the Will*, p. 287.

discerned, to those positive and negative notions of law which lie within the moral sphere ; but it is not to be confounded with them.

The love of theoretical simplicity must not tempt us to the conclusion that the above analysis of law exhausts all that is to be said regarding the co-relative sentiment of *Duty*. This feeling, sentiment, or idea of duty, which even Mr. Mill (if we understand him aright), Utilitarian though he be, prefers to leave unanalysed, and to regard as something resident in the mental economy of man, which attaches itself to the right by a law of his constitution, is in truth the co-relative of law—the instinctive response which our nature gives to the notion of law. I say *instinctive*; for, did it not involve a departing from the strict line of this disquisition, it might not be difficult to show that there exists in man an instinctive, connate impulse of submission, obedience, veneration (the name here matters little), counterbalancing the self-assertion of individuality, looking up expectant and responsive to the notion of law, and, in this relation, constituting the sentiment of *Duty*.

CHAPTER X.

The Immutability of Morality.

οὐδὲ σθένειν τοσοῦτον ψῆμην τὰ σα
κηρύγμαθ' ὥστ' ἄγραπτα κασφαλῇ θεῶν
νόμιμα δύνασθαι θνητὸν ὄνθ' ὑπερδραμεῖν.
οὐ γάρ τι νῦν τε κάχθες, ἀλλ' αἰεί ποτε
ξῆ ταῦτα, κοῦδεῖς οἶδεν ἐξ ὅτου φάνη.

SOPH. *Antig.* 451.

‘MORAL law is unchangeable,’ it may be urged—‘it is founded on the absolute will¹ and fiat of God, and is as immutable and stable as the foundation on which it rests. The doctrine, however, which the present analysis affects to reveal or expound would almost seem to make the moral law dependent on time, place and circumstance—a thing of chronology, geography and environment. The right and the wrong, and therefore the inner law which commands the right, and the penalties which sanction it, fluctuate,—progressing or retrograding with man’s experience and needs, and being thus dependent on the accidents of his position.’

¹ There is a manifest sense in which this may be maintained without involving ourselves in the doctrine of Ockham, and some theologians even now—that the *command* of God constitutes morality, and that, were He to command murder and theft to beings constituted as we are, murder and theft would be morally right and obligatory.

Those who urge such objections are apt to confound the *fact* of morality with the *forms* which practical moral rules take under the influence of time and circumstance, and to assume that progressiveness necessarily implies mutability. In every stage of human society, as well as in the education of the individual man at this moment, there is a right and a wrong, a good and a bad : this, it is presumed, no one denies. But the dependence of moral growth on inward and outward occasion and circumstance prevents the early and instantaneous realization of the various felicities of desire or sentiment possible for man, and the consequent perception of the supreme laws of his being, while the adequate conception of the greater and less *quantities* of any particular felicity (the conditions of physical well-being for example), which flow from certain kinds of acts isolated or habitual, is a matter necessarily dependent on the experience of many successive generations. Are not these things matters of historical fact? Do they not exhibit themselves at this hour in the child and the adult? Were we to classify men morally, whether past or cotemporary, should we not classify them according to the elevation of moral vision to which they have attained, as well as of the moral habits which they have acquired? Elevations and subsidence of the moral strata mark the rise and the decline of nations and of individuals.

By what ingenuity of reasoning can the immutability of morality be maintained in the face of the

moral history of the human race, if by the phrase be meant that at all times and in all places equally, the right and wrong in particular acts is affirmed by an inner sentimental faculty, or an unerring intellectual perception? With Hobbes on one side and Helvetius on the other, it was necessary stoutly to maintain the immutability of morality in the Platonic sense—a sense which this analysis in point of fact vindicates and confirms. For the doctrine maintained in these pages vindicates the permanence of *moral distinctions* and the subjective source of morality, while furnishing an explanation of variableness of opinion. The deliberate perversities of different nations afford no serious difficulty when they are fully understood—when they are beheld in the light of a doctrine which regards man as a being progressively feeling his way towards self-knowledge, and thereby to a knowledge of his true well-being as an individual and a member of a civil society. We may discern in the Spartan theft a weapon formed against the enemy, and encouraged because its ultimate effects in demoralizing the youth and dissolving society were not yet perceived, or were regarded as small matters compared with defence against the alien. It is easy to recognise in the authorization of Religious revels by the moral guides of the people a worship of the bountiful and fruitful all-mother—good in itself, and until the inevitable excess of such wild devotion produced evils over which not even religion could throw a veil. It is easy to understand a national

judgment in favour of polygamy—when the idea of woman's place as a helpmate and her subordinate equality in the social system is not yet revealed to the obtuse perceptions of the self-seeking stronger sex. Nor is it difficult even to explain a deliberate opinion in palliation, if not in favour, of promiscuous intercourse among those who have never felt for themselves, and whose sympathetic imagination is too weak to apprehend through others, the moral atmosphere which surrounds the family, the justice which by it alone can be secured to the young, and the stability which it gives to the State. Nor is it impossible for us to understand the prevalence, even in a professedly Christian community, of lax opinions regarding adultery, where marriage has been reduced through the influence of material tendencies into a social compact, unsanctioned and unblessed by love, which in turn avenges itself by taking the form of unlicensed desire ; and so forth. The most hasty glance at the moral facts of history will satisfy us that the governing sentiments and ruling principles of one epoch are gradually supplanted by those of another as the mind advances to fuller realization of the higher felicities of man, or retrogrades under the debasing influence of luxury, sloth and effeminacy, till the virtues of a nation's greater past become only a dim memory. The sentiments and the principles of right human action do not therefore alter.

While the range and height of moral vision are thus limited by time and circumstance in accordance

with the scheme of the Divine government, Morality itself as a statement of the end and duty of man does not therefore alter its essential character. Had some inspired premonition enabled an ancient Egyptian to divine and enunciate the doctrines of the morality of Christ, these doctrines would have been as true an exposition then, as they are now, of the duty and destiny of man; but they would have outrun too far the then moral capacity of the race, and anticipated the fulness of time. The scheme of man's duty, like the scheme of man's nature, is, and remains a living and never-changing fact, but man's *apprehension* of both is laborious and slow; reached only after many errors, and through much individual and national suffering. And slow as is the apprehension of the right, how much more tardy a process must be the perfect fashioning of the human will in accordance with the right after it has been recognised!

'But,' it may be objected, 'where the apprehension of the right thus changes according to the law of progression, who will fix the eye once for all at the *true* elevation, and guarantee its truth, should there be prevalent dimness of vision or difference of opinion?' The answer to this objection has been already implicitly given. Where quantity of felicity is concerned (and questions of quantity in reality cover the greater part of human life), the reason is competent to ascertain and establish the truth; where questions of quality are concerned, the mind is so constituted, that it possesses the power of sentient discrimination of quality. It is true, that

individuals may err, and be unable to reach in thought either the conclusions of experience, or the supreme joy yielded by the higher sentiments (as is the case with children, savages, and the adult waifs of civilisation at this moment), or if able to apprehend them and to attain to the vision of the perfect union of blessedness and law, their glimpses may be but transient, and their weak unpractised wills may leave the governing ideas of human life standing outside their personality.

The immutability of morality, accordingly, is to be found in the immutability of the nature of man as that nature was conceived by his Creator. Morality is as eternal and immutable as the rest of the economy of the spiritual universe. To the Divine conception, it is true, men slowly and at best only partially attain, even with the help of the teaching of Christ. To the practical identification with that conception of the movements of their individual wills they never, under the present conditions of life, can attain. For when a man has advanced to the full consciousness of the nature and power of the sentiments which are in all epochs more or less operative, he is often intellectually unable, because of defective experience and limited vision, to regulate either the transitive or intransitive acts which issue from these sentiments in such a way as to square them with his criterion. And even when he not only fully recognises the governing sentiments as *immediate* ends, but is also able to discern truly the right operation of these

towards their *ulterior* ends, weakness of will too commonly succeeds to the place from which judicial blindness has been driven.

Should it be further objected, that the precepts of morality at any one epoch of history are thus made dependent on a knowledge of human nature, and that progress in the apprehension of the right thus practically resolves itself into progress in anthropology, the reply is, that the inference of the objector is a sound one, and obviously accordant with the facts of history.

If it be feared, as by some timid moralists it is feared, that such a doctrine compels us to judge nations and individuals, from a combined consideration of the moral ideas (whether these be sentiments or generalizations of experience) which they have admitted into their intellects as part of their permanent stock of moral life, and of the inevitable circumstances under which they lived and acted, it is to be regretted that a doctrine at once so charitable in its individual judgments, and so stimulative of efforts for the improvement of mankind, should be an object of aversion. It is a truism to say that our moral judgments on individuals may be relaxed without our thereby relaxing either the scheme of morality or the imperativeness of law.

CHAPTER XI.

The Moral Sentiments.

ETHICAL analysis postulates a scheme of psychology, or rather of anthropology. It is assumed that man is a being of certain desires, sentiments, and activities, which each in its turn demands an object, and with the object a corresponding felicity of satisfaction, and that these are classified with sufficient accuracy for the purposes of Ethical inquiry, as Appetitive, Social, Intellectual, Æsthetic, Moral (*i.e.*, the sentiments of Benevolence and Justice), and Religious. A pre-condition of all feelings which have regard to others, directly or indirectly, is Sympathy. But this capacity, though possessed by man in so much higher a degree than by the irrational animals as to be almost a distinguishing characteristic, is not powerful enough to account for the moral sentiments of Goodwill and Justice. It is a common basis of these sentiments, and of all those subordinate moral feelings which first come into consciousness as we become aware of our relationship to other sentient beings ; but it does not of itself account for them.

That the appetitive desires, the gregarious instinct in its more refined form of social feeling and its intense manifestation in the domestic affections when Mar-

riage and Family have established themselves among men, the sentiment of Goodwill or Benevolence, the fact and the *pleasure* of intellectual activity—that these are primordial constituent elements of man's nature, that they are connate, though waiting for outward or inward occasion to call them into consciousness, and that they are distinct one from the other, are facts so generally admitted that it would be irrelevant to our present purpose analytically to pursue each to its ultimate genetic form, and determine its relations to the rest of the economy of consciousness. The instinct of Obedience, which, when contemplated by the intellect in its moral relations, becomes a sentiment, and which in its highest form appears as Reverence, the feeling and love of power, and the idea of perfection, which lies on the borderland of intellect and sentiment, might possibly,¹ were this the place for doing so, be shown to be distinct modes of consciousness, but may be at present passed by as not essential to the determination of the questions which immediately concern us.

It may be that some moral analysts of the Utilitarian school are still to be found, who, in their psychology, profess to trace the higher sentiments and the felicities they yield ultimately to the pleasures, pains, and movements of the body. The sentiments would thus become either the vain illusions of Fancy given by the gods to

¹ I say 'possibly,' for the whole of this department of consciousness demands reconsideration and revindication; and one of the most important tasks of the time would be an adequate 'critique of sentiment.'

ratiocinating brutes to mock while they adorn life, and to give existence the glitter without the substance of gold, or they would be disguised devices resorted to by men for the better protection of material pleasures and interests. But the modern leaders of the Utilitarian school present no such scheme for our adoption; least of all their master, David Hume.¹ Two facts are admitted by them into their more recent statement of doctrine, namely—(1.) that Benevolence or Goodwill, that is, felicity in the felicity of others, is a feeling unanalysable, and, therefore, an ultimate form of intelligent life: from which they ought to draw the conclusion that it finds its reward in itself, and is, therefore, an end to itself, not merely a means towards the more remote end, the material felicity of others or self: (2.) that the pleasures which constitute motives and ends to the human will vary in *kind* and *quality*; which is to say that there are higher and lower felicities possible for man, not merely greater and less in respect of quantity, stability, and duration. If, then, *higher* pleasures be possible, what are these? They can be nothing else than those pleasures which the necessities of thought and language have hitherto compelled and still compel men to distinguish from the ‘lower’ by the designation *spiritual*—the pleasures, or (as we prefer to call them) the

¹ Bentham is vulgarly considered to be the chief representative and originator of the Utilitarian theory of Ethics. He is neither the one nor the other. Utilitarianism is almost as old as Epicurus, if not considerably older. I do not mean that modern Utilitarianism, in the hands of any of its accepted advocates, is identical with Epicureanism; but it is parallel with it as a scheme of ethical thought, and rests ultimately on a similar view of the nature of man.

felicities of the sentiments—considered as ends. Any reader, who has followed the preceding analysis, must perceive that the admission of these two notions as factors, in making up the possible sum of human happiness, is an irrecoverable step of departure from a strictly logical Utilitarianism, and involves the subversion of the Utilitarian ethical system in its stricter sense. The sentiments of the Just, the Beautiful, and of the Divine or Religious, present greater difficulties to the analyst, but their inner history, and the question of their simplicity or complexity, cannot affect their place in a scheme of Ethics, so long as they subsist in consciousness as substantive sentiments, the satisfaction of which is desirable in and for itself.

The word *sentiment* does not necessarily denote an ultimate feeling ; it is used in a much more general sense, and doubtless with too great vagueness. Every feeling of man which cannot be traced directly to physical or intellectual pleasure or pain, we may find classed as a sentiment as soon as it becomes an object of knowledge.¹ Most of these so-called sentiments are in point of fact subordinate forms of sentiments already known under more general and more accurate names. To undertake an analysis of them, and of

¹ Professor Bain uses the word *sentiment* sometimes to denote the primordial feelings which are neither physical nor intellectual, and sometimes to denote freaks, fancies, and unreasoning sympathies and antipathies. Hence considerable confusion in his otherwise clear analysis of Conscience and Obligation (as seen from his point of view). The primordial sentiments seem to hamper him, remaining unaccounted for as an element in morality ; they seem in fact, in accordance with his strictly logical method, to be extruded from the moral sphere altogether.

the so-called virtues which would give us a generalized list of the triumphs of man over his lower nature, would be interesting and instructive, as exhibiting the modifications and combinations of which the various sentiments and desires are susceptible, and of human character in relation to these. But to do so would be to write a treatise on moral philosophy in its widest sense, not merely an essay on the principles of morality. It is sufficient for the latter purpose that the sentiments to which we have adverted above be admitted as subsisting in man in the same sense, though with more complexity in their pre-conditions, as the desires and as the sentiment of goodwill, and that the satisfaction of them yields a felicity peculiar to themselves. If this be granted, they at once become both ends and motives of conduct, and, entering into competition with other felicitous ends, are either in harmony or in antagonism with them. The sentiment of justice, of the beautiful (in nature, art, and conduct), and of the divine, that is to say of infinite purity and perfection residing in the Source and Sustainer of universal life, have an inner and outer history which a careful analysis may reveal ; but this history cannot affect the fact that they exist as distinguishable phenomena of consciousness, and that there belongs to the satisfaction of each a felicity which cannot be confounded with other felicities. They, no less than the sentiment of goodwill, emerge in daily life partially disguised in various particular forms. For example, the general sentiment of goodwill takes the specific shapes of love, generosity, friendship, charity, gratitude : the

sentiment of the beautiful appears as the sentiments of becomingness, propriety, elegance, and so forth; the sentiment of the just is known in its own everyday subordinate forms of the feelings of honesty, integrity, truthfulness, and honour.¹

Then, again, if we leave what may be called the sensational or non-conscious sentiments—those which, like the desires, arise in thought uninvoked, and are constantly putting in their claim for satisfaction at the court of will, we shall find another class of sentiments which we may distinguish as the ‘Self-conscious,’ namely, the sentiments of virtue, of complacence (either of self, or others towards self), and of law. The sentiment of virtue sometimes appears as a sense of moral dignity, and that of law takes its co-relative form of duty. The sentiments non-conscious and self-conscious yield each its own felicity, and both kinds constitute adequate motives and ends of action to a moral agent.²

This brief survey of the large question of the moral sentiments is not too summary for the purposes of this essay. Though in other respects most perfunctory and inadequate, a larger treatment could only take the form of an elaborate exposition or critique of sentiment, and carry us far away from the track which leads up to our immediate purpose.

¹ Honour (not the honour of *Paley*) might perhaps be defined in its practical application, as the ready interpretation of all questions of doubtful equity or morality against one’s-self.

² The sentiment of Justice forms the subject of special analysis in a future chapter.

CHAPTER XII.

*On the Gradation of Felicities and Sentiments, and on the
Supremacy of the Sentiment of Justice.*

—ἡ ξύνοικος τῶν κάτω θεῶν Δίκη.—SOPH. *Antig.* 449.

BUT, given the fact of the higher sentiments as well as of the lower desires, given that man is endued with the capacity of discriminating by feeling different kinds or qualities of felicity as inherent in them, and of discovering by reason the greater and less quantities of felicities, and given that the act of morality (*qua* act) is the discernment and deliberate election of the higher or greater in preference to the lower or less felicity, when two or more claim consideration and puzzle the suspended will—given all this, where shall we find the ultimate court of appeal for the determination of the relative *gradation* of the desires and sentiments, and the assaying of their respective qualities? Who, again, is to determine the quantitative preferableness of one act as compared with another? A satisfactory answer must be given to this question, if the system which we have been expounding is to furnish the means of accounting for varieties in weight of authority and intensity of obligation.

Our answer is in substance as old as Plato, and

is simply this:—Those men are to determine the relative qualities and quantities of felicities, and consequent relative force of obligation, who make it their business to analyse human experience, and who report to their fellow-men such discoveries as correspond with the inner and outer history of the race. Should any man, as the result of his introspection, defy the conclusions to which the cultivated reason of mankind has gradually come, and maintain that the ‘lower’ excel the ‘higher,’ the bodily transcends the spiritual, he (naïve as the statement may sound) stands self-convicted of wilfulness or eccentricity. When the question is one of quantity rather than of quality, we go to the same source of information, although in all such cases, and they compose the majority, the liability to error is increased in consequence of our being dependent on the accuracy of our ratiocination regarding external things, as well as on the truth and range of our observations of the nature of man.

Thus it is that progress in morality is dependent on the progress of knowledge among men, and that the basis of right conduct is now, as always, the oracular ‘Know thyself.’

But let us avoid generals, and, coming closer to the question, imagine a case of mutual conflict between the higher sentiments themselves. Suppose one man to maintain that the complex transitive sentiment of justice claims supremacy over the intransitive religious sentiment by virtue of a transcendent inherent felicity, and another to claim that supremacy for benevolence,

and a third for the feeling of the beautiful : what divinity will arrange, in due ascending and descending series, the absolute gradation of felicities and sentiments, and guide the perplexed will ? I, for my part, am fully persuaded that the satisfaction of the religious sentiment yields *in itself* a joy which far transcends all other felicities ; and that, where many possible states of will are at the same moment proposed to me, the highest, and therefore the right and the obligatory, is the religious ; and this to the extinction of all claims even of justice and benevolence, if these sentiments *be considered in themselves* and apart from the collateral and extrinsic sanctions and supports by which they have been surrounded by the Creator. And yet it is not to be doubted the satisfaction of the sentiment of justice is unquestionably more obligatory than the satisfaction of the Religious sentiment *as such*. How is this to be explained ?

Let us steady the intellectual eye with a concrete illustration. Suppose that a man, in a flow of emotion stirred up in him by the complex occasions of life, should be about to hold high communing with Infinite Perfection and Purity as these are conceived to exist in the Absolute Will, and to do so surrounded by those circumstances, natural or artistic, which raise his soul into the region of the Divine, and sustain it there : can he doubt that in such an act he is about to satisfy the supreme sentiment of his nature, and that the most intense felicity of which he is capable, or which he can con-

ceive, is within his grasp? But at the same moment it happens that some fellow-man has some *just* claim on his regard or attention. The two sentiments-- the Religious and the Just, the supreme Intransitive and the supreme Transitive---conflict. He must forego one in order to effect mental union with the other. If he prefer the former, he enjoys unquestionable felicity; but it is so poisoned by the pain of an unjust act, and of broken moral law, that he cannot but admit, that, testing his act by the criterion of felicity, he has failed to discriminate the act which it behoved him to do. But since he has admittedly chosen that one of two acts which yielded to himself, *in itself*, the more intense felicity, wherein has he erred? It may be said that he has erred, inasmuch as he has broken a '*law*' for the sake of enjoying a noble, though purely self-regarding, felicity. But this is no explanation, but only an obscuring of the truth with a word; for the answer at once suggests a further question as to the ground of the law alleged to be broken. Our answer is consistent with the past analysis, and is this: The self-regarding, religious devotee has broken the laws of God and man because he has ignored the element of *Quantity*; for where the higher and lower in *Quality* conflict, the higher quality determines the right act; but where the antagonism arises among sentiments, desires, or felicities of the same general quality, though of varying intensities, the element of quantity can alone determine the right act.

In the above case, for example, the just act involves

not merely (as is the case with the sentiment of the Divine) the felicity of the agent himself in the satisfaction of a sentiment *in itself*, but other felicities : namely—

(1.) The felicity of the agent, in so far as he is thereby approved by his fellow-men.

(2.) The felicity of other men than the agent,—namely, the immediate object or objects of the just act which the agent is so constituted as to enjoy.

(3.) The felicity of personal security, which is the indispensable condition of all other felicities, and which a very short experience of social and civil life shows to be dependent on the observance of justice.

(4.) The felicity in the security of the race as a whole, because it is only through the prevalence of such acts that society, civilisation, and progress are possible. This is an extension of the second and third felicities.

By these considerations the just act is discriminated as transcending the religious act (that is to say, the act of religious emotion) in the quantity of *subjective*¹ felicity which it yields, and *therefore* in its obligatoriness. To these have to be added all the adventitious sanctions which grow out of the approbation or disapprobation of society, and which help to give an irresistible force to the notion of *law* in respect of just acting.

¹ I say *subjective*, that being the only aspect of the question that seriously concerns us : the external and adventitious sources of the obligation of justice also contribute their powerful and indispensable aid to the unformed will. But these have been fully expounded by Utilitarians—especially by Professor Bain in his ‘Notes on Paley,’ and in his work on the ‘Emotions and the Will.’

CHAPTER XIII.

The Supreme Good.

Nimium boni est cui nihil mali.—ENN.

By the *Summum bonum* is understood the sovereign or supreme good of man—the ultimate unity of end towards which all his willings and actings should tend, and under the light and sanction of which they should be done. The answers to the question, ‘What is the Sovereign Good?’ resolve themselves into three—Virtue, Happiness, God.

Now, it is manifest that the answer which we may give to this supreme question is predetermined by an answer to a prior question, viz., What test shall a man employ in order to discover whether the multitude of *particular* acts and states of will which make up his life tend in the direction of the supreme end and law of his constitution? If, with the ancients, we arbitrarily determine the general end, and from it argue back to the criterion of our individual acts, we deceive ourselves. In the act of thus prematurely and arbitrarily fixing the supreme end we beg the whole question at issue, and introduce confusion into ethical discussion. Our business is, in the first place, to detect, in loyal

obedience to experience and fact, the common element in all acts or states of will which is the distinguishing note of their approvableness, and, *therefore*, of their *rightness*, in relation to the ultimate purpose of man's life.

Is 'Virtue' that element? The doctrine has a semblance of truth. Let us consider it for a moment.

The word 'virtue' is sometimes used to denote— (1.) The higher principles and sentiments.¹ (2.) Not seldom it is employed as a synonym for 'duty.' (3.) By Aristotle it is more accurately employed as signifying 'a *habit* of mind in accordance with right reason.' All these different uses of the word arise from the different points of view from which the same object is looked at. The first-named of these uses represents its common denotation; the second use is the same definition looked at from the point of view of the law and obligation incident to the higher sentiments; the third use *implies* the same definition, but looks at the higher sentiments as in a state of active operation,— regarding them as non-existent, except in so far as they make manifest their existence. To look at virtue, with Aristotle, as *active*, is manifestly more accurate than to view it in its relation to ruling sentiments and maxims. But although Aristotle's definition of it approximated to the truth, it did not select from the phenomena of virtuous action its essential characteristic. The essence of virtue is this, that it

¹ Cicero constantly employs the word in this sense, which is certainly not the true Stoic sense of the word, though embraced in it.

is the assertion of the supremacy of *will*, the assertion of the supremacy of free personality, the assertion of the supremacy of man,—all these phrases being of identical signification. To look at the acts of men in relation to the sentiments or principles which should govern these acts, is to look at them in their relation to primary and ulterior ends and motives—to look at them purely psychologically. Neither ends nor motives take us out of the region of natural history into that of morality-proper. Morality, if by that we understand the approvableness of the agent energizing, is predicable of man only through the duality of human nature, and *begins* with the assertion of freedom over threatened subjugation, of Will (will and free-will being here held to be convertible terms) over tendency. The free assertion of will over tendency—*this* is Virtue. This free exertion of will over subject sensations, yields, as we have shown in the chapter on Sanctions, a peculiar and intense felicity, quite apart from the ulterior end of the energizing. It is the ground of the feelings of manhood and dignity in their purest forms. The man who has so disciplined his nature that he can put forth his will, at will, for the repression of rising passion, the direction of ever-varying sensations, and the control of tumultuous emotions, is alone truly a king, truly happy, truly rich. Here we find ourselves on Stoic ground.

But it is manifest that this free exertion of sovereign will may have for its motive the desire of an end in itself mistaken. The right *direction* of its

force is to be found outside itself, in the character of the *end* of its activity (subjective and objective). And the general and supreme end of life is to be discerned only in and through the particular ends of each individual act. That *particular* end or standard we have already ascertained to be the felicity of man ; and this necessitates a conclusion regarding the *general* and ultimate end of human actions and life, namely, that it is Felicity. Where the conflict of ends and motives distracts the will, the characteristic of that end or motive by which we determine its rightness, as compared with other possible motives, is the higher quality or greater quantity of felicity inherent in it, and this whether the act be transitive or intransitive.

That concurrence of the whole nature in the permanent dominance of the higher and governing felicities (sentiments), and of quantitative considerations ; in other words (to adopt secondary instead of primary language), that perfect fashioning of the will in accordance with law as it emerges in consciousness after the right has been discriminated, is Happiness ; and this it is which is the end of man's life. *Moral Happiness*, that is to say, not happiness in the vulgar and ancient Epicurean sense of content, or of a diffusion of pleasurable sensations over the consciousness. A man cannot be content in this the Epicurean sense who is morally unhappy ; but a man may have attained the supreme moral happiness, and yet be in all other respects most miserable. Our doctrine is of the Porch, not of the Garden. The happiness which

is the end of rational life is a never-ceasing effort, a victory constantly repeating itself. Virtue, consequently, is the pre-condition of that happiness ;—nay, ranging ourselves on the side of Stoicism, we might almost say that virtue is the *only* end, but this in a peculiar sense—a sense which, doubtless, underlay this lofty consummation of the ethical thought of antiquity. The sense I mean is this, that the only good possible to man, *as man*, as a self-conscious personality, is Virtue. All other pleasure or pain, preferables or non-preferables, revolve round this central personality, and assault its peace with suggestions of passion. But high above these perturbations stands the self-determining will, and finds, in its own free loyalty to virtue and its harmony with nature, a profound calm—the sole good. This ‘noble rage’ of Virtue can make the disciplined philosophic man affirm his supreme happiness in the supreme good, even when in the Bull of Phalaris. It carries with it, when rightly understood, as a strictly logical consequence, that pain is no evil.¹

It is a mistake to suppose that Zeno ignored self-referent happiness. There seems to be no evidence that the Stoic was so alarmed at this word as certain modern ethicists. He opposed Virtue and Pleasure, not Virtue and Happiness. The supreme good, or rather the

¹ Cicero, with respect be it said, did not seem to understand the doctrine ; and in his attempt at refutation resorts to a kind of popular chaff. Our larger experience of life, and our broader Christian ethics, render Stoicism in its ancient purity henceforth impossible. Even Butler, usually esteemed a Stoic modified by the new influence of Christian doctrine, is so only by mistake,—his scheme of ethical thought according more directly with that of the Peripatetics.

only good (*id quod est natura absolutum*), so far from being dissociated from happiness, is the supreme joy of the rational soul.

Thus, if we take the more profound view of man's nature, and fix our eyes on the personality and energizing of the moral agent, the supreme good is the assured and unwavering triumph of will or virtue. It is self-determination victorious over tendency. If, however, we fix our eyes on the end and object of energizing, the supreme good is happiness. The former is the *formal*, the latter the *real*, end of human life. In the distinction thus evolved lies probably the conciliation of (modern) Stoic and (modern) Epicurean, who persist in gazing at different sides of the same shield.

When it is further affirmed that God is the Supreme end, it is meant that the supreme happiness is the love of God. But when we break down this most general of all moral utterances into its details, it may be interpreted thus, that through the mysterious utterance of inviolable law, the Right and the Wrong are affirmed in the consciousness of man by direct intervention of Divine Power, and that the Divine Will so revealed is our end. If this be meant, we dismiss this doctrine of the Supreme good as already disposed of in a previous chapter. But if it be meant that the Will of God, as it is made known in the constitution of man and of nature and in the dealings of God with man, is our final end and sovereign good, we

gladly welcome the doctrine. But while doing so, we note that we have already found that the Divine Will, in its relation to man, can be discriminated only by the test of human felicity, and that therefore, in conforming our wills to those sentiments and those laws of conduct which can alone insure moral happiness, we obey the Will of God, and admit Him to the government of our souls.

If it be further meant, that we are to carry up into the Divine essence the laws of rational life, which we have discovered by the help of the instruments which our Creator has put into our hands, and contemplate them there in their infinite perfection as expressions of the surpassing and ineffable glory of the eternal Source of life and light and love, and from the contemplation draw strength for the daily task of waiting, watching, and working, we discern in this lofty view of the purpose of man's existence a perfect harmony with the doctrines laid down in the previous chapters, at the conclusion of each of which we could in all sincerity write the words, 'The chief end of man is to glorify God, and to enjoy Him for ever.'

CHAPTER XIV.

On Justice.

ἀπολὺς ὅτῳ τὸ μὴ καλὸν ξύνεστι.—SOPH. *Antig.* 370.

IF a distinct Sentiment of Justice exist, it is itself the measure of the just in acts ; and by it the human mind may instantaneously discern a quality in the relations of acts and agents, which it at once signals as satisfying or offending the sentiment. But if there be no instinctive sentiment of justice identical with or similar to that intense and vivid notion which almost all men have of the just, we are not driven, as is too commonly supposed, to seek the source of that notion outside ourselves, and in our experience of that kind of conduct which promotes the general well-being. There is another alternative, the alternative of a *complex* sentiment. Two elements may in mind, as in matter, go to form a *tertium quid*, which is as distinct in all its properties, and possesses as distinct an individuality, as either of its constituent elements. Water is neither oxygen *nor* hydrogen ; nor the two regarded as one ; but water. At the same time, a complex third in the region of sentiment and emotion

cannot possess more authority among the forces of mind, than the elements out of which it springs.

Men originally associated together, not for the sake of ulterior advantages, but for the sake of association. Such an association necessarily brought with it a conflict of individual will and interest, and Justice, as a fact of external relation, and as a sentiment, thereupon began to grow. But at this point we pause to ask the question, Out of what did it grow? Its origin was unquestionably this external necessity; necessity, that is to say, of subordinating the satisfaction of the needs and desires of each individual (since limitation was an inevitable condition of the social state) to the *general well-being*. It had of course been already tacitly assumed that the benefits of association were likely to exceed those of isolation. No sooner have we the faintest beginnings of an authoritative, though unwritten regulation of the more palpable relations of each to each and all, than we have Justice, in the form of custom-law, as an objective fact; and the social or gregarious agglomeration of men becomes a civil polity. Such is the origin of Justice as an external fact; but does the perception of these external limitations, and of their relation to the general well-being, constitute the source or fountain (as distinguished from the beginning or origin) of the *sentiment* of justice? And do the authoritative enforcements of the will of society constitute, when notionalized by the intellect, the obligation of justice?

With these introductory remarks, let us proceed

to a short consideration of the questions which they suggest :—

Under right transitive acts falls that subordinate species which we distinguish by the appellation Just. Acts of this species differ from other right transitive acts in this, that while these contemplate simply the felicity of others, those contemplate that felicity under certain restrictions imposed by the 'rightful' claims of the agent himself, and of all others coming within the scope or incidence of the act. In a previous part of this essay we have affirmed, without attempting to prove, that the various constituents of a man's individual nature have a legitimate *right* to satisfaction *inherent in the fact of their existence*. This doctrine may be extended to the persons composing a society or State. But it no more follows that all the persons composing the body politic have equal rights *as persons*, than that all the constituent elements of a man's nature have equal claims to consideration as impulses or sentiments. The internal moral economy is an economy of higher and lower, superior and inferior. The sentiments govern, and even of these certain are supreme. The internal economy of man, accordingly, is a limited Monarchy, not a Democracy—no, nor yet a Republic. The view of Justice to which we are thus led is not unimportant. We are able to set aside the popular fallacy that Justice, or the just class of acts, are those which endeavour to promote the general felicity on the basis of *equality*. Each individual in the body politic has only *that*

amount of equality with every other individual which most surely promotes the greatest happiness of the whole, emphatically including, under the head of Happiness, the highest moral condition--the virtue of the whole. Might we venture to lay violent hands on a word already appropriated, we would exclude equality from the notion of justice, and substitute *equity* in the signification of, *Equality restricted by a regard to the virtue and happiness of the whole*. In this definition there is furnished to us the criterion of Justice. The just act accordingly must be a difficult thing to determine in any given case, if it be a new one, although the large accumulation of ready-made secondary precepts which we inherit renders the perception of the just a rapid and easy process in all the more ordinary concerns of life. It is with these secondary maxims and generalizations, written or unwritten, that the administrator of law has to do. It follows also, from what we have said, that Justice is necessarily progressive, that it must give to political organizations and social conventionalities different forms at different epochs, and that the just form of internal polity must always be largely dependent on national character and on national circumstances and conditions.

It does not follow, from what has been said, that we quarrel with the phrase--'The eternal principles of immutable justice.' The phrase is, however, objectionable because it is made up of the most general notions, and requires to be taken to pieces before being used either

as an argument or as the defiant motto of a party. We believe that what is really meant by the phrase is, that the *sentiment* of Justice (whether it be simple or complex) is as eternal and immutable as man. So long as two rational beings of the same *kind* exist in relation, and are endowed with the social instinct, there will exist the fact and the sentiment of justice. We say of the same *kind*; for we must pause before we transfer our notion of justice into the consciousness of beings transcending man. Again, the *obligation* of justice is as 'eternal and immutable' as man; and further, the source of that obligation, we maintain and shall show, arises *primarily* out of the constitution of the agent, and is based on sentiment. This we are bound to show, if the theory which we have advanced in past chapters is not to fall vanquished before this, the great crucial test of the accuracy of all moral speculation—the fact and act of Justice.

We have already explicitly or implicitly considered both Justice and Benevolence in relation to the felicity-criterion of Rightness, to the sanctions of Rightness, and to the legitimate supremacy of the Transitive over the Intransitive felicities and duties. Further, in the chapter on Ends and Motives we endeavoured to show that, wherever a sentiment is concerned in transitive acts (and it matters not whether the sentiment be simple or complex), there are to the moral agent twofold *ends* of action, both falling under the criterion of Felicity: first, action in accordance

with the higher *sentiment*, as that is qualitatively discriminated—let us suppose it to be the sentiment of Benevolence—and action in accordance with the end of Benevolence ; namely, the felicity of Man. If the agent satisfy the former end, he is right and approved ; but he may do so, we found, and yet fail, through ignorance or inadvertence, to give effect to the ulterior objective purpose of that subjective end—the felicity of Man effected in certain individuals. That felicity depends on his knowledge of human nature, and of the circumstances of the particular human nature which he may be endeavouring to benefit. So, in the case of Justice : when the deliberations of Reason issue in the election by the will of the active desire of the Just, that is to say, the desire to satisfy the *sentiment* of Justice, the moral agent has discharged his duty,¹ but he may yet, in perfect good faith, give effect to the sentiment in an unjust act. The just act, as we have shown, can be discerned ultimately (and, where traditionary maxims fail us, only) by having strict regard to the end of just acts—to Justice objectively considered in relation to the criterion of it. That criterion we have shown to be the highest happiness of the body politic, and it may be described as the equitable (not the equal) distribution of felicities among men bound together by social sympathy and common interests.

¹ I need scarcely point out that the desire of Goodwill, or the desire of Justice, imply a *bonâ fide* effort to ascertain the true direction of the benevolent or just act.

Having made this general statement respecting the Just *objectively* considered in relation to its standard, and the Just *subjectively* considered in relation to sentiment, let us now attempt to analyse the sentiment of Justice, in order to find wherein lies the primary obligation to effect a mental union with this sentiment as the motive-power of a large proportion of our transitive acts, and further, how it comes that the sentiment of justice dominates over all others, and avenges all attempts to override it on any pretext whatsoever, however lofty the pretext may be.

It is scarcely necessary to say, after what has been written, that we cannot find in man a simple sentiment of justice which defies further analysis, and which unerringly detects the equitable in the relations of man and man, by means of a mysterious arbitrary power of discrimination and a consentaneous utterance of obligation. Were it so, a survey of the past and present would convince us that the sentiment of justice must be blind indeed in a different sense from that which is meant by the allegorist.

Let us trace, if we can, the natural history, and in that history unveil the nature, of the sentiment. For we cannot rest satisfied, as the Utilitarian does, with the explanation that the feelings which surround, support, and confirm the just sentiment, also constitute it. In the doing of the just act we find, and the Utilitarian also finds, the feeling of law obeyed, the feeling of approbation secured, and the satisfaction which accompanies the success of an intellectual effort to weigh and de-

termine relative claims ; but besides all this there is a residuum of feeling unexplained. The moral analyst who can detect in the sentiment of justice nothing save the above feelings operating under the potent sanctions imposed by society for the common benefit, combined with an intense feeling of a *personal* stake in the common weal, has omitted from his analysis the chief constituent element—that which alone initiates, vindicates, and establishes justice, both as a moral fact and as a sentiment—in truth, its very essence.

Let us fall back, then, on our presumed first social experience of a wrong—the case of a man who is a witness of the forcible abstraction of the axe of one of his fellows. Up to this moment the sentiment and act of justice have been, for want of occasion, as impossible as seeing is without light. Nay, the judgment which the spectator forms of the act before him is true only in so far as he has himself, in his own person, already experienced assault, or vividly imagined it. In that personal assault—real or imagined—what is the sufferer's mental history ? Whether the assault takes the form of the infliction of pain in the form of doing direct injury to his body, or, as in the supposed case, of abstracting an implement of use, or in any other way repressing his powers or impeding the gratification of his desires, it stirs a feeling of reaction, accompanied by a turbulence of emotion which we call anger. This feeling of turbulent reaction does not exhaust the mental phenomenon ; for to the consciousness of self as a free spontaneous

actor, there belongs as an essential accompaniment a feeling of the right to free action. The power and impulse to do carries with it the right to do. We may not be able to detect this feeling of right to free action as implied in the mere consciousness of self as a free agent, but that it is a necessary and invariable accompaniment of this consciousness will not be questioned. It is proved—(1.) By our own consciousness that any limitation of our free activity excites a feeling of personality or right disregarded; (2.) By the observation of men in a primitive savage state; (3.) By our observation of children; (4.) By the impossibility of otherwise accounting for the fact of the desire for retaliation or revenge which resides in the mind of him who has been injured.

Animals, it is true, seem to share with man this sense of personal right in a vague form. Man has this advantage, however, that he can fix the feeling permanently in consciousness as an object of thought, and give it a notional entity.

Now, the feeling of pain inflicted by an aggressor, the turbulent reaction of self against that aggressor, the feeling of right to free action violated, are, through the power of intelligent sympathy, known to have existence in those who may be seen to be similarly abused. In and through others, we a second time know the pain, the reaction, the feeling of personality violated—that is, of personal rights infringed. These things are discerned to be occurring in their experience, as they have occurred or may be ima-

gined to occur, in ours. But the mere sympathetic perception of the right to the free action of self seen to exist in others, will not of itself stir us to react with them against the aggressor, nor will it teach or move us to regard or respect those rights. Sympathy stops short at the *knowledge* that another perceives as we perceive, feels as we feel ; but the community of anger and resistance which we have with the oppressed against the oppressor implies something more : there is necessary an interest in the oppressed as a fellow-being,—in other words, Benevolence. While sympathy gives us the *knowledge* that others, as well as we, feel that they have personal rights, there is nothing *in this* to establish a community of emotion between us and them. We require the introduction of some other instinctive feeling, namely, Benevolence or Goodwill.

But if Goodwill underlies our sympathy with the emotion of one whose personality is seen to be infringed, and is an indispensable condition of that community of emotion, how much larger must be the part played by this sentiment in determining an agent to *the doing* of the just act, when by that act he sacrifices certain lower, but desirable, felicities of his own !

The Sentiment of Justice, then, viewed psychologically, is a complex sentiment, and is primarily resolvable into—(1.) A feeling of personal right experienced in self, and recognised through sympathy as existing in others ; (2.) The sentiment of goodwill with respect to those in whom a right resides ; (3.) It

receives adventitious support also from the intellectual conception of equality of magnitudes and numbers. Speaking generally, the sentiment of justice is merely the sentiment of goodwill restricted by a conception of the relative *rights* of the objects of goodwill, and including the rights of the moral agent himself.

What are those rights? To answer this, we must revert to our definition and criterion of Justice objectively considered. And it seems to us that if the above be the psychological character of the sentiment of Justice, we are supported by it in our definition of justice in its objective aspect, as being ‘the equitable distribution of felicities.’ Not the equal distribution: equity is not the same thing as equality. By ‘equitable distribution’ is meant such a distribution as satisfies the demands of the respective or relative *rights* of the objects of justice. If asked by what criterion we test the equitable rights of individuals; we answer: by the positive law, written and unwritten, of the system of society of which the individuals form a part. If asked further by what criterion we test equitable rights, apart from the positive institutes of society,—that is to say (to use the old phrase), equitable rights as they exist ‘in the nature of things;’ we answer: by the test of felicity in this peculiar sense, ‘The highest possible happiness¹ of the greatest possible number.’

¹ The word *happiness* meaning, as we have frequently had occasion to repeat, the ‘happiness of Man.’

In the course of our analysis we have pointed out certain confusions of thought and language prevalent in ethical discussions. A confusion not less important than any which have come under our notice, is the confounding of the *just* act and the *right* act. By the 'right' act (viewed teleologically, whether its end be attained in the subject acting, or in another), is meant that act which accords with the standard of acts, the felicity of the norm of man viewed psychologically. But the Just is a species of the Right, and is not to be confounded with the generic term. By the 'just' act is meant (or ought to be meant) the right or equitable *distribution* of felicities; that is to say, of those things *already ascertained to be teleologically right*,—this distribution having for its criterion or standard the highest possible happiness of the greatest possible number.

Happiness in respect of what? In respect of the share of each in the *prima vitæ*—*e.g.* Corn. If this be the particular felicity which is at any one time under consideration for distribution, the answer is 'Yes,' provided that the giving of corn, on the principle of the 'greatest possible share to the greatest possible number,' *does not conflict with some higher felicity of man*, and so subvert our criterion. It *may* be necessary, in order to secure this final end, to give one man (or allow him to take, which is the same thing) ten times as much as another; for, 'Man does not live by bread alone.' It appears, then, that we must interpret the word 'possible' as containing implicitly

this sense : ‘as great a share as is consistent with those other felicitous conditions which make up the *whole* life of man, and given to as many as will admit of the production in any society of the greatest possible quantity of the highest possible quality of life.’ This is the criterion, not of *morality*, as some suppose, but only of distributive morality. That act, and that act only, is declared to be just and equitable, not which promotes the well-being of society, but which so *distributes* recognised felicities as to promote the highest possible well-being of the greatest possible number. By this ‘natural’ standard all positive institutions are from time to time to be tested,—are always being tested, where thought and speech are free.

Wherein, then, lies the *Obligation* to acquire for our wills the sentiment of justice, with a view to the regulation of our transitive acts? The *primary* obligation is inherent in that part of the complex sentiment which lies alongside of the sense of rights, and gives that sense universality, namely, Benevolence. It is to the high felicity yielded to the agent by goodwill that we appeal, as the ultimate ground of our demand that he shall be just. If it be replied: On what ground is an individual to sacrifice his material and other felicities in order to do the just act? we avoid repetition by referring back to the Chapters in which we treat of ‘The Sanctions of the Right’ and ‘The Gradation of Felicities with reference to the Supreme authority of the Sentiment of Justice.’

Let us now look for a moment at some practical consequences of the above doctrine. The just or equitable act is always a complicated matter, even where positive law precludes or supersedes original investigation; how much more complicated when we have to deal with it in relation to the foundations of society, or to the introduction of any new rule of social conduct or of political administration! By what expedients are we most likely to secure that the just shall at all times, and in all places, be done? The answer to this question is given in the Science of Politics. But within the legitimate range of Ethics, we have something to affirm on the subject, suggested by the natural history of the growth of the sentiment of justice in the minds of men. The uninstructed man, still groping his way to the just act towards his fellows, is in point of fact settling for himself the restrictions under which his own personality must live and work. Intelligent sympathy may yield him the *knowledge* of that which another conceives to be his rights. But unless this sympathetic knowledge be supported and stimulated by Goodwill, the ever-present, ever-dominant self would bear down the claims of others, when they were in antagonism with its own, and Justice, if it grew at all, would grow laboriously out of a stiff and arid soil. The sentiment of Goodwill, however, interwoven into his constitution and coming into life there as surely as the appetitive desires, is early active in greater or less degree, and binds him to his fellow-men; while the reaction of respect for the rights of others on the

preservation of his own rights, confirms the teachings of Goodwill. A lofty and tranquil mind, in which Goodwill existed in full counterpoise to self, might, in most cases, approximate to just perceptions; but turbulence of feeling, and obtuseness of intellect, constantly tend to disturb the true balance. Accordingly, the resistance of others against a man, as, in the earlier stages of civil society, he moves on in his career of universal self-assertion, is the only permanently effective agency for arresting him. Others will not be slow to let their fellow-man know that his acts impede or curtail what they believe to be their own rightful felicities; while, on the other hand, the agent's ever-extending experience of intrusions on his own sphere will reveal to him those acts which he considers to be wrongful limitations of his legitimate activity, and thereby enable him more fully and clearly to understand similar feelings in others. Thus, by action and resistance, and the retaliation of one upon another, each is taught, through fear of the ultimate consequences to himself, lessons which *support* and stimulate the Goodwill which binds man to man: and the result is an abstinence, by common consent which soon becomes common law, from certain classes of acts, which, directly or indirectly, affect society injuriously. Lying, stealing, killing, maiming,¹ etc., are put under the ban of social disapprobation and the penalty

¹ It is not pretended that we here exhaust the immoral elements in these acts: we speak of them merely in their social relations.

of law, which is merely the civil or corporate affirmation of moral force. Those in whom Sympathy and Goodwill and Intelligence are weak, are guided, controlled, or coerced by men of broader sympathies, a more potent sentiment of goodwill, and keener perceptions of ultimate issues. Future generations, trained to obedience, accept as *Law* what in earlier times has perhaps been laboriously established; and, starting from a higher platform than their predecessors, are able to advance to further and more refined perceptions of the individual and the common wellbeing, until the moral delicacies of spiritualism are elaborated, and enter into the common life as dominating forces.

If these be the aids, and this the history of the growth of practical justice in the elementary stages of civil society and in children, it follows that no elevation or tranquillity of mind among the few is likely permanently to maintain justice in a State, unless the assertion of individual rights, or supposed rights, be free; and, on the other hand, it is equally manifest that the multitude of contending claimants are not likely to devise equity under the pressure of unsatisfied desires, without the guidance of the composing, tranquillizing, far-seeing powers of minds born to wisdom, or trained to virtue and to broad views of human needs and possibilities. The barque of Justice is one difficult to steer, not so much because of the shoals and rocks which beset its course, as of the constant deflection, through the disturbing attraction

of self, of the needle by whose means we steer—whether that self be an individual self, or a class self, or a corporate self.

We have now considered shortly the Sentiment of Justice, the Criterion of Justice, the Obligation of Justice, and the practical working of Justice in connexion with its growth in society.

We might here stop, and avoid or evade polemics. But this question of Justice stands out from others so conspicuously, in consequence of its supremacy over the sentiments of man, and in the practice of life, that it affords an opportunity of setting in a clear light the antagonism in which the results of the preceding analysis stand to the Utilitarian doctrine.

The existence of the sentiments is not denied by the most competent Utilitarians of the modern school. They are simply accounted for, and assigned a place as the handmaids of Morality. They are not, however, admitted to constitute the criteria of the conduct of the moral agent, nor is Utility in the sense of the 'happiness of Man'¹ discerned to be the criterion only of the *true* objective *operation* of the elected sentiment when it moves the will. Morality and obligation proper, we maintain, exhaust themselves in the act of effecting a mental union with the right sentiment, the rightness of the act which emanates from

¹ The Utilitarians do not even admit that the happiness of man is the criterion of conduct: they are, on the contrary, very careful to point out that the criterion is the 'Happiness of Mankind.'

the sentiment being an infinitely important, but, strictly speaking, an ulterior and extra-moral question.

Not only the strictly logical Utilitarian, but those Utilitarians who, like Mr. Mill, recognise sentiment and also the quality of felicities as elements in happiness, will have the same quarrel with our statement of the criterion of that species of right act which is called *Just* as they have with the criterion of right Transitive acts generally. They will have a similar objection to the doctrine here laid down regarding the primary source of the *Obligation* of the Just. With respect, however, to the criterion of the just act (which emanates from the sentiment, although it is not regulated by it) objectively or teleologically considered, there is no essential discrepancy between the doctrine which we have propounded and that of the modified New-utilitarianism, if it be liberally interpreted. It is necessary, therefore, here to advert only to their doctrine respecting the primary source of the obligation of the just act; and to do this in such a way as to bring into view the defects in their exposition of the sentiment of justice.

Both the old and new Utilitarian rest the obligation of the just act, as of all morality, on external sanctions. The old Utilitarian finds law and obligation in sanctions which originate in the will of others than the agent. The new Utilitarian adds, or may consistently add, to those outward penal sanctions, the inner reproaches of conscience, although he has not yet ventured to define what he means by these. He thus

shows a disposition to approximate to the doctrine of subjective and sentimental obligation. But even he, by a strange and yet unexplained inconsistency, declines to admit any obligation or duty in those intransitive moral acts, which the enforcing will of others has no 'right' to interfere with, and if he class them among moralities at all, he does so in a peculiar sense. Two classes of forces, as we have already explained, enter into the notion and sense of law, namely, the Positive or Attractive (felicity, subjective and objective), and the Negative or Coercive (pain, subjective and objective). The new Utilitarian recognises, or may consistently recognise, the Coercive Force, in its full sweep ; the old Utilitarian sees law only in those objective and authoritative enforcements which *accompany* or *follow* the disapprobation of our fellow-men. This inadequate view of the obligation of Justice compels both schools of Utilitarians to look persistently only at the negative aspect of the sentiment, and to offer us a definition of the sentiment of *Injustice* for a definition of the sentiment of *Justice*—practically identifying both with what is only a partial definition of the former, namely, the desire to inflict retaliatory punishment. The negative aspect of the sentiment is certainly chronologically prior in the experience of man to the positive. But though it is thus the beginning or origin, it is not at all, therefore, the source or fountain, of the positive sentiment : that source we have defined to be Goodwill, limited by the sympathetic perception of rights in self and others.

It follows also from the view of obligation taken by both old and new Utilitarians, that the specific and differentiating element of *a* right or 'rights' which enters into both the notion and the sentiment of Justice, is supposed to be adequately explained by saying that it is resolvable into 'an apprehended hurt to some assignable person, and a desire to punish.'¹ The *whole* sentiment of justice, therefore, of which the notion or feeling of *a right* forms confessedly only a part, is now represented as differing from the latter solely in the fact of the superinduction of the social feeling. But inasmuch as the apprehension of a hurt to some assignable person involves the sympathy of the spectator, and inasmuch as sympathy, according to Mr. Mill, constitutes the essence of the social feeling,—the notion of *a right* in no respect differs from the sentiment of justice itself. Thus the figure which it was necessary to add in order to complete the sentiment of justice is at best a cipher without a multiplying power.

As we have said before, the fact of *a right* is inherent in the fact of sentient life; and to this it may be now added, that the notion or feeling of *a right* is the self-conscious perception of the *fact* of a right. Right is profoundly *felt* by man as the motive-support of all action, until the unrestrained and impetuous career of self is interrupted by some external force when the feeling of *a right* becomes a knowledge of it. This order of human experience explains how it

¹ Mill's *Utilitarianism*, p. 78.

is that the sentiment of justice takes its beginning in the feeling of injustice. It is this feeling of *a right*, too, which gives its peculiar *intensity* to the sentiment of justice, and with good reason, for its intensity is the intensity of life, its extinction is death. Sympathy and benevolence next associate themselves with the notion of *a right*, socialize the notion, and transform it into the complex sentiment of justice. This history of the sentiment shows that it is possible for a moral agent to feel concern for the rights of others quite independently of his own share in the general security, which, according to any possible Utilitarian scheme he could not feel, except as the victim of an amiable delusion.

SUPPLEMENTARY.

The strict Utilitarian may have his argument very favourably, though concisely, stated thus :—

(1.) Those acts are *just*, that is, based on an equitable consideration of the rights of others, which promote the wellbeing of society as a whole. (2.) Unjust acts are those which are in a like manner hurtful. (3.) The wise who happen to be also at the time the strong, if not the majority, perceiving this, attach pains of body and the abrogation of personal rights to the doing of the unjust act. (4.) Thereby (and in other collateral ways) a sentiment of obligation and law is created in the minds of men, in connexion with the just. (5.) The personal ‘conscience’ which follows, is substantially this, that in doing the just act, a man has a feeling of felicity in having obeyed a law imposed from without, and thereby having escaped certain penalties. This position may be thus illustrated :—

If we imagine a hunter who declines to divide the roe which he has caught in company with another but weaker fellow-huntsman,

commanded to share the spoil, the following colloquy might follow :—

A. Why should I do so ?

B. Because it is the just thing to do.

A. What do you mean by a *just* act ?

B. An act which is based on a recognition that others have a right in that which your superior strength makes you imagine to be wholly yours.

A. But if I can admit no such right,—indeed, can see only that *I* have a right to all I can get and keep,—what then ?

B. Only this, that the just act promotes the wellbeing of mankind, that is to say, in the present instance, the happiness of the society of which we form a part, while the unjust act which you propose to do is hurtful to man.

A. Which means, I suppose, that the majority or the stronger portion of society have banded together to make it obligatory on me to give up something which I have the power of making my own, for the sake of the general wellbeing ?

B. You may so put it.

A. I will not question the wisdom of the majority in so concluding ; but I do not agree with them : and I consider it to be a nefarious act to require me to sacrifice my immediate and unquestionable felicity to the felicity of others, however numerous.

B. But we are the majority, and we have made both tacit and explicit arrangements to *force* you, by the infliction of penalties on the unjust act.

A. You may force and punish, but none the less do I consider my rights interfered with. I will do the act you in your own interest call ‘unjust,’ and afterwards submit to the punishment which unhappily I cannot evade. But note this: I am morally *right* notwithstanding.

B. I am sorry we differ. But pause a moment and consider. Were all to act as you propose to act, the end would be, as experience has amply shown, that you yourself, and your offspring, would ultimately have fewer woes than they can have under the social arrangement we call justice. [Here follows an explanation to show the benefits which the observance of justice ultimately confers on each individual of a society.]

A. All that you have said amounts to this, that if I will take a long instead of a short view of my interests and rights, I shall ultimately not only have the whole roe which I now wish to keep (for this would manifestly be no inducement), but, either in myself, or in others whom I regard as part of myself, *two* roes. Now, had you said nothing about law and force, I might have been disposed to *consider* the proposition which you make, and to enter into a calculation, but when I reflect that the majority of the men banded together in this valley, and calling themselves a tribe or a nation, have presumed to call themselves the wise of that nation, and have abused their greater strength to impose a law on me, which they call by a fine-sounding name—*justice*; and which being interpreted in my individual case, means here and now, that I *must*, on pain of suffering, give up half a roe in the expectation of getting back to-morrow or next week a whole roe or two roes, I resolve to resist this abuse of strength, and to keep the *whole* roe. Nay, apart from this consideration, I would have kept the *whole* roe, because I may die to-night or to-morrow, and my experience has taught me that a roe in the hand is worth two in the bush.

But why do you laugh?

B. I see the force of your argument, but I cannot but laugh when I see such an exhibition of independence, seeing the much more potent argument—indeed, one quite convincing—behind you.

A. What is this? surrounded by armed men! chains and manacles! Are these for me, despot?

B. They are for you. And not only so, but your *whole* roe will be taken from you, and you will be confined in a dark dungeon, and you will get no roe-flesh, but only water and roots, and this for months to come, and—

A. Stop, stop! May I *still* be ‘just?’

B. You may.

A. I will.

B. Be it so.

In the above colloquy a strict Utilitarianism (it seems to me) exhausts its arguments. The first stage of departure from the strict basis of a rigid Utilitarianism, is that which, throwing aside the doctrine of a purely animal gregariousness, or species of tacit, ‘social compact,’ as the foundation of human society—a compact arranged

with the view of securing in permanence for the great majority two roes where otherwise there would only be at best one,—finds this foundation in the instinctive social sympathy with which man is endowed, and which enables his larger intelligence to realize the felicity of others as well as his own, and so to grasp the *general* good, and to see in that general good the good of each individual. But this intense social sympathy, while undoubtedly facilitating the gradual and silent growth of compact in the form of laws to secure justice, and thus obviating difficulties which might otherwise be insuperable, cannot make any individual *desire* or *care* for the good of another. It is a very common but serious error, to suppose that it can have this effect. Sympathy enables a being to realize in his own feeling and thought the feelings and thoughts of another : it thus facilitates the knowledge of the knowledge of others, but having done this its function ends. We cannot have *pleasure* in the life of others, or care in any sense for their rights or felicity, without bringing the sentiment of Goodwill to the help of the Utilitarian argument, and slipping it in as the moral foundation of the sentiment of Justice and the *primary* source of its obligation ; all other sanctions being adventitious and external to the primary sanction which has its origin in the sentiment alone. Nay, if the ultimate inducement to act justly be laid even on the love of the approbation of our fellow-men, we thus lay the ultimate sanction and source of obligation on sentiment.

Similarly, we might evolve the Utilitarian notion of Chastity and its obligation, having special reference to David Hume's remarks on this subject. Bentham notwithstanding, we might call poetry to our aid here. A Utilitarian ethicist could never have written this:—

‘ So dear to heaven is saintly Chastity,
That when a soul is found sincerely so,
A thousand liveried angels lackey her,
Driving far off each thing of sin and guilt ;
And in clear dream and solemn vision
Tell her of things that no gross ear can hear ;
Till oft converse with heavenly habitants
Begin to cast a beam on the outward shape
The unpolluted temple of the mind,
And turns it by degrees to the soul's essence,
Till all be made immortal.’

MILTON's *Comus*.

CHAPTER XV.

*Statement of Relative Position.*¹

THE doctrine expounded in the preceding pages differs from Utilitarianism, because—(1.) It repudiates the doctrine that the criterion of the duty of a moral agent is the ‘greatest happiness of the greatest number.’ We have endeavoured to show that this magic phrase might possibly be a criterion of the *distribution* of felicities; but that it is a blunder—the result of mental confusion—to imagine that a moral agent can by means of such a standard ascertain those acts which are right, good, moral. (2.) The improved form of this theory, that which explicitly affirms that the Utilitarian system embraces in its scope the higher happinesses, and admits differences in kind (although it fails to give us any other means of computing these than the arithmetical), in point of fact transfers the criterion from the ‘greatest

¹ I had intended here to enter on a criticism of what might be regarded as the representative treatises on the philosophy of Ethics, but when I had proceeded some way I found that to do so adequately would involve an amount of disquisition which would carry me far beyond the proper limits of this Essay. I therefore here content myself with stating concisely—I trust not so concisely as to lead me unawares into a misrepresentation of others—the relation in which the doctrine propounded in the preceding chapters stands to the Utilitarian and Intuitionist schemes of morality respectively.

happiness of the greatest number' to the 'happiness of mankind.' But here the Utilitarian argument labours and halts, as in the first case it blundered. Nor can any one closely peruse the more recent Utilitarian writings without perceiving that they are constantly shifting their own standard—at one time calling on the reader to fix his attention on the 'happiness of mankind'—thus swamping the whole of morality in benevolence or justice ; at another time guiding themselves and their readers by the light of happiness, as discovered by the moral agent to exist in his own consciousness, or it may be in the norm of man. Now the individual consciousness of felicity, and again the general happiness is appealed to. We have shown, on the contrary, that no other criterion of rightness and duty in acts and states of will exists than the felicity which by our divinely appointed constitution they yield, and that while quality of felicity determines the relative *supremacy* of mutually opposing states of will, quantity determines all other possible dubitations. In the latter class of cases (quantitative) cultivated reason, in the former (qualitative) an instinctive sentient power of discriminating the higher and lower in sentiment and sensation, through the touchstone of felicity, is the guide of man. Accordingly, where questions of 'quality' arise, man possesses a 'moral sense,' that is to say, an instinctive discriminative faculty. The discrimination is effected through felicity. These qualitative and quantitative standards are not to be found in 'mankind,' nor, save

temporarily, and for the passing occasion, in the consciousness of the moral agent, but in that consciousness as enlightened by inner observation and by outward experience of life, and by the discoveries and revelations of others—in the consciousness, that is to say, of each individual, in so far as he truly represents the norm of man. (3.) Further, the doctrine which we have expounded embraces within the sphere of obligatory morality and of moral discrimination those subjective acts which concern the agent *alone*, as well as those which, done by him, affect his fellow-men. Utilitarianism, even in its best form, recognises the obligatoriness of those acts only which have external sanctions. (4.) These differences necessitate a further divergence from Utilitarianism on the subject of obligation. The very highest form in which the obligatoriness of the moral act has been put by the writers of that school, apart from external and adventitious sanctions, is this, that it rests on a conviction of a community and harmony of aims and interests with our fellow-men—a form not essentially different from that given by David Hume. This theory of obligation is perhaps a necessary consequence of the Utilitarian theory of discrimination of the Right; but it is inadequate, and exhibits its inadequacy in the fact that it is found necessary to restrict its operation to those duties or moralities which *society may and can enforce*, leaving outside the pale of morality-proper the subjective condition of a moral agent, and thereby excluding the sentiments as well as the quality of felicities from a place in a

moral system strictly so called. The sense of obligation, law, and duty, are thus regarded as being merely the reproduction in thought of the penal laws of society. To consider this consequence of a strict Utilitarianism with the fulness which its importance merits, would be to enter on a criticism of the system which would carry us beyond our present purpose. Obligation and the 'idea' of duty, as understood by us, rest to some extent on the external sanctions of acts for support, but *primarily* arise out of the attractive force of the felicity of the moral act, which is thus discovered to be at once the end and law of man's constitution, a law which is further protected by the coercive force of the pains of disobedience. The doctrine on this subject, however, is of too much importance to admit of perfunctory summarizing, and we must therefore refer again to the chapters on the Sanctions of Morality, and the Sense of Law.¹ (5.) But the divergence of the results of the preceding analysis from Utilitarianism, old and new, is most strongly marked by the fact that the sentiments are admitted into our scheme as ends in themselves. (6.) Further, we think it will be found to flow from the definition of virtue and merit, given in the chapter on the Sanctions of Morality, that with the Utilitarian (who, in consequence of the connexion which subsists between his ethics and metaphysics, is for the most part a Necessarian),

¹ It is scarcely necessary to point out here that the sanctions derived from the will of God are as open to the Utilitarian as to any other school of moralists.

‘Virtue’ can have no meaning except in so far as it is a short way of indicating ‘*the virtues*,’ that is, the recognised secondary maxims of morality, and that it cannot be an end in itself, but at best simply a means to an ulterior end. Finally, the Utilitarian theory instinctively avoids the question of the conditions of human happiness, and thereby is constantly led to confound happiness or felicity, in the strictly moral (and Stoic) signification, the condition of which is always virtue, with happiness in the sense of rounded and complacent content. The fact that it avoids, if it does not abjure, this interpretation of moral happiness, does not alter the fact that the two significations of the word are not consistently distinguished in their writings, and that this confusion has been one cause of their evading the question of the *nature of the moral energizing*, and of their consequent failure steadily to keep in view the fact that moral happiness means more or less of personal suffering, and that the greater the act of virtue (strange as the contradiction may appear) the greater is the pain of the virtuous agent. Our divergence from the Utilitarian theory is further conspicuously visible in our treatment of the crucial question of Justice, in which Utilitarianism-proper is made to reveal itself in its true colours as a system of objective criteria, and aims, and purely external sanctions.

Let us now look for a moment at the opposing scheme from the point of view to which our analysis has led us.

The Intuitional ethicists,—represented, notwithstanding some confusion of thought (with respect be it spoken) and numerous defects in exposition, by Bishop Butler,—for the most part fail to mark the line which separates the theory of discrimination of the right from the theory of obligation to do the right. Again they confound the act of discrimination and the act of approval. Conscience is treated, now as a discriminative, again, without warning, as an authoritative faculty, and again as an approving faculty. They have this advantage, however, over Utilitarians, that they view morality more as it exhibits itself in the inner history of the moral agent than in its relation to the rightness of acts, *as acts*. Hence they share with the Stoics a deeper insight into the moral constitution of man, and a loftier view of his moral aims and destiny.

But, while they go deeper than the Utilitarians into the nature of man, and consequently into the nature of the moral energy, their partial view of the question at issue causes the Intuitionalists to stop short of an adequate analysis of the right act as such, and of the ultimate criterion of rightness. They seem frequently to accept the derivative conscience as ultimate, without searching into the basis on which it rests. With this school, the ‘conscience,’ or, as Butler calls it, ‘the principle of reflection,’ is a principle or faculty in man, distinct from other principles and faculties. This ‘principle’ or ‘faculty’ *discriminates*, among various possible acts,

that which is the Right. How does it do so? By approving some and disapproving others. The feelings of approbation and disapprobation are thus identified with the 'principle of reflection.' Approval and disapproval are of course impossible, save as the result of reflection: they are practically synchronous with it in all our ordinary moral judgments; but to identify the two phenomena is to enter upon ethical investigation with a confusion which vitiates all future argument. The moral phenomenon of approval or disapproval involving reflection, and recognised as a constituent element in the moral economy of man by all moralists alike, we found, because of its universal recognition, to furnish the best starting-point for our analysis. But a little consideration of the patent facts of moral history soon revealed to us that the act of approbation did not emerge from consciousness, and ally itself mysteriously with certain acts and states of will rather than with others, thereby pointing the way in which man was to walk; but that it was itself the consequence of a prior feeling—the feeling, namely, of felicity in the contemplated act.

It further appeared, in the course of argument, that the moral act properly *begins* with dubitation, and that each passion, appetite, and sentiment is right (and 'a good')—that is, *approved*—until it conflicts with some other. Reflective approbation attaches itself to an act to-day which to-morrow, in new circumstances, is wrong. This fact points to a weakness in the doctrine that conscience, in the sense of a

reflex principle of approbation, ultimately discriminates the right act. The Intuitional school shut their eyes to this weakness, but, feeling vaguely the logical necessity under which their doctrine places them, they almost invariably speak of the appetites and passions of man as bad and censurable, which in themselves they are not. It seems to us obvious that if reflex approbation or conscience has to determine which of two or more potential acts is right, in the sense of approvable, and which is wrong, it must be guided by some test *outside* itself; and that test can only be the qualitative and quantitative felicity which the constitution of man shows to belong to the respective acts which are claimants at the bar of will, and from time to time give it pause.

Observe, however, that a 'conscience,' or 'moral sense' (prior to the derivative conscience), in the sense of an instinctive and inexplicable appreciation of *quality* in felicities, we have vindicated; and, in this respect we are in antagonism to the theory of Utilitarianism-proper, which reduces all moral distinctions to questions of quantity (only incidentally in its latest form recognising quality), as that is ascertained by intellect operating on experience past and present. The sense in which we affirm a directing conscience is the only sense (we are disposed to think) in which Intuitionists will permanently desire to maintain its existence as distinct from the discursive operations of intellect. Our doctrine might be summarized thus:—

In qualitative acts and states of will there is

an immediate, intuitive moral sense: in quantitative acts and states of will there is a mediate, discursive moral perception. Both alike discriminate the true end of moral energizing, and in that end detect implicit positive law.

The theory of Obligation propounded by the Intuitional school amounts to this, that apart from the extraneous sanctions of the right, we find the authoritative obligation to prefer the right in the same 'reflex principle' which has already discriminated what the right is. That the principle of reflex approbation, or conscience, carries with its discriminations the notion of obligatoriness or law, is assumed. 'The *natural* authority of the principle of reflection,' says Butler, 'is an obligation the most near and intimate, the most certain and known.' Again, he says: 'Authority is implied in the very idea of reflex approbation.' There is a substantial truth about this position; and although it assuredly fails, as the preceding chapters show, to render an account of the moral movements that transact themselves within us, it does so because the analysis suddenly stops short where it ought in truth to begin. To this authoritativeness, imperativeness, or obligatoriness, we have given as high and sacred a position in the mental economy as the most extreme Intuitionalist could desire. We have not, however, rested content with an assumption, but have analysed the sentiment and exhibited its *history* in consciousness, revealing its twofold source in the positive force

of *Attraction* which the Creator has implanted in the higher or greater felicity, whereby we perceive it to be at once end and law of our moral economy, and in the negative force of *Coercion*, whereby the right is taught, protected, and supported, and driven home upon the consciousness of man.

To enter further on these distinctions would be to engage in that detailed criticism of systems which we have resolved meanwhile to postpone. We would only refer back to the chapter on Justice for an illustration of the defective analysis of this sentiment by the Intuitionalist as well as by the Utilitarian, and to the chapter on the Gradation of Felicities, as furnishing, for both schools alike, the only adequate explanation, as it seems to us, of the relative obligation of principles of action, each in itself laudable.

Nor can we conclude without alluding again in this connexion to our short explanation of Virtue, as apparently liberating that word from its vague, uncertain, and fluctuating application by both schools. That explanation enables us to bring the question of the sovereign Good to a clearer issue than hitherto, and leads up, with directness and simplicity, to the ultimate metaphysics of morality, namely, the analytics of Will and Freedom, and of the connexion between freedom and man's connate tendency to evil—questions which culminate in a consideration of the means which the wise providence of the Creator has provided for the perfecting of human will.



